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Tulane Studies in Political Science

VOLUME VI

# Government in Metropolitan New Orleans

*by*

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NEW ORLEANS

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## PREFACE

The purpose of this study is to survey the administration of the principal functions of government in the New Orleans metropolitan area. The aim is to find out what units or agencies of government perform each of the functions and to tell briefly how they are performed. The study is not intended to be either exhaustive or critical. It is intended to be only an overall survey to discover the principal facts about the administration of these functions. As such, the authors hope that the study will serve a dual purpose. The first is to supply much-needed information to both students and laymen who want to know more about government in the New Orleans area. The second is to furnish background and a starting point for further research in the problems of government in a rapidly growing metropolitan area.

There are many difficulties inherent in a study of this scope. The authors interviewed well over a hundred officials of federal, state and local governments, and supplemented the information thus collected with such written material as was available in reports, manuals, office memoranda, unpublished theses, etc. In attempting to cover briefly so many functional areas, one is never sure that there are not omissions of important facts or misinterpretations of oral statements. It is hoped that reasonable care has reduced these to a minimum.

In describing the administration of the various functions, less attention has been given to state and national than to local agencies. The work of the former has been included principally for the purpose of giving a reasonably complete picture of administration within the area, so far as the selected functions are concerned. On the other hand, an attempt has been made, in the case of the latter, to discover the historical origins of the agencies and to trace briefly their development to the present time. No effort has been made, however, to relate this development to influences exerted by community leaders, organized groups, or political factions.

Most of the research and all of the writing were done by the authors. Mr. Howard planned the project and, with some research assistance, collected the material and wrote the chapters on governments of the metropolitan area, public health, public welfare, public education, recreation, and public safety. He also wrote the concluding chapter with the advice and assistance of Mr. Friedman. The remaining chapters were done entirely by Mr. Friedman, who also did some of the interviewing and preliminary writing for the chapters on health and education. Editorial responsibility for the entire study was assumed by Mr. Howard, although all the manuscript has also been read by both authors.

The study was made possible by a grant from the Edgar B. Stern Family Fund to the Institute of Public Administration and its director, Luther Gulick, and by the latter, to the Urban Life Research Institute of Tulane University. The authors acknowledge their indebtedness to all of these, as well as to Norton Long, who was responsible for coordinating the various studies financed by the grant in other metropolitan areas. They are also indebted to the Graduate School of Tulane University for assuming the cost of publication.

It is impossible to name all the public officials to whom the authors are obligated. This study could not have been done without their active cooperation and assistance. Since they are not in any way responsible for what has been written, they are not named except where it has seemed desirable to do so and permission has been given. A special word of thanks is due to Val Mogensen, director, and Louis Newman, assistant director, of the New Orleans Bureau of Governmental Research. The former made available information which it would have been difficult to secure from other sources, and the latter read the entire manuscript and made many valuable suggestions. Mr. William W. Shaw, director of the Department of City Civil Service and Associate Professor of Political Science at Tulane University, gave useful advice and assistance, and also read the manuscript. Professor David R. Deener of the staff of the Department of Political Science made many helpful suggestions and served as editor of the volume. Various other persons read and commented on individual chapters. No one except the authors, however, is responsible in any way for what they have written.

L. VAUGHAN HOWARD

ROBERT S. FRIEDMAN

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Government in  
Metropolitan New Orleans





## CHAPTER I

### GOVERNMENTS OF THE METROPOLITAN AREA

The Bureau of the Census defines a standard metropolitan area as "a county or a group of contiguous counties which contains at least one city of 50,000 inhabitants or more." In the event that the city lies entirely in one county, contiguous counties are included "if according to certain criteria they are essentially metropolitan in character and socially and economically integrated with the central city."<sup>1</sup> It seems sufficient to say, without considering the criteria of either metropolitan character or integration, that the New Orleans area conforms to this definition.

New Orleans had a population of 570,445 in 1950, and of 602,647 in 1958.<sup>2</sup> It lies entirely in Orleans Parish, its boundaries being identical with those of the parish.<sup>3</sup> The city, or parish, has an area of 199 square miles, and is less than two-thirds urbanized.<sup>4</sup> It is divided into two parts by the Mississippi River, with the East, or left, Bank the principal business and residential area. However, the West Bank area, known as Algiers, has been developing rapidly in recent years. All the city offices are located on the East Bank, with most of them housed in the recently constructed city hall.

There are two contiguous parishes—Jefferson and St. Bernard—which are a part of the metropolitan area.<sup>5</sup> The former, which is also divided by the Mississippi River, had a population of 103,873 in 1950 but in 1956 was estimated to have grown to 157,000, more than five-sixths of which is urban. Between 1940 and 1950 the parish population increased 110 per cent, making it the most rapidly growing parish in the state. During the same period the population of New Orleans increased by only about 15 per cent. The parish seat is Gretna, on the West Bank, but some parish offices are located on the East Bank and others have personnel on both sides of the river. Both the courthouse in Gretna and the parish office building in Metairie have been built within the past few years.

St. Bernard Parish lies entirely on the East Bank of the river. It had a population of 11,087 in 1950, of which only about one-eighth was urban. Although more than one-half the parish is so marshy as to be uninhabitable, the remainder has grown very rapidly since 1950. The Bureau of the Census estimated the population to be 21,000 in 1956, and it will probably exceed 30,000 by 1960. The parish seat is Chalmette, which is unincorporated.

The New Orleans metropolitan area therefore had a population of 685,405 in 1950, which made it the twenty-second largest area in the United States. From 1940 to 1950 it grew about two-thirds faster than the remainder of the

<sup>1</sup> *Census of Population, 1950, Vol. II, Characteristics of the Population. Part 18, Louisiana, p. XV.*

<sup>2</sup> *Current Population Report, Special Census, Special Census of New Orleans, Louisiana, Nov. 28, 1958.*

<sup>3</sup> The parish is the Louisiana equivalent of the county in other states.

<sup>4</sup> The remaining portion is for the most part marshy and uninhabitable without drainage. Approximately 32,000 acres of this land were sold as a single tract in January, 1959. *New Orleans States and New Orleans Item, January 29, 1959.*

<sup>5</sup> See the map at the end of the volume.

United States and more than three-fourths faster than the entire state of Louisiana. As in other metropolitan areas, most of the growth was outside the central city.<sup>5a</sup> The Mississippi River is the greatest natural resource of the area and, directly or indirectly, the principal source from which its income is derived.

Almost every metropolitan area in the United States has a multitude of government units and agencies performing a wide variety of functions. Before discussing the functions and services performed by the different units and agencies in the New Orleans area, it seems desirable to describe the overall features of the governments themselves. This is the task of the present chapter.

### NEW ORLEANS GOVERNMENT

New Orleans' first charter was granted by the territorial legislature of 1805, and went into effect the following year.<sup>6</sup> It established a mayor-council form of government with a mayor appointed by the governor for a term of one year. The council consisted of fourteen members—two from each ward of the city—who were elected for two year terms, one-half the membership being elected each year. The mayor was a justice of the peace and superintendent of the city police. There was also a recorder, who was a kind of assistant mayor, appointed by the governor for the same term and who served both as a justice of the peace and president of the council without vote. Generally speaking, the mayor was fairly strong, having the power to veto ordinances and appoint his subordinates.

This charter, with certain changes, lasted until 1836. The most important of these changes occurred in 1812, when the mayor was made elective and given a two-year term. The following year there were similar changes in the office of the recorder. The size of the council was reduced to ten in 1827, all of whom were elected for a term of one year.

The charter of 1836 was not a completely new document since it provided for the continuation of the former charter provisions which were not specifically superseded. The basic character of the city's government, however, was completely changed. The city was divided into three municipalities, each with its own governmental structure but with some overall powers delegated to a central government. There was only one mayor, but each municipality had its own council composed of a recorder and aldermen, the former elected at large and the latter, by wards on the basis of one alderman for each hundred voters and an additional one if the remainder exceeded sixty. The three councils meeting together constituted the general city council. In 1840 this system was changed to provide for municipal councils of a fixed size and for a general city council of twelve members, four of whom were elected in each municipality at the time the aldermen were elected. The municipal councils possessed all the legislative powers except those specifically delegated to the general council. The latter, however, had certain police powers, as well as the authority to determine the contribution of each municipality to the sinking fund used to

<sup>5a</sup> While this study was in press, the following preliminary census count for 1960 was announced: New Orleans, 620,979; Jefferson Parish, 207,301; and St. Bernard Parish, 31,925. *New Orleans States and New Orleans Item*, June 7, 1960.

<sup>6</sup> The following summary of the history of New Orleans government is based largely on "Development of the Governmental Structure of New Orleans," *Project of a Constitution for the State of Louisiana with Notes and Studies*, Vol. 4, Appendix 1 (1954), pp. 201-222.

liquidate the indebtedness of the city under its previous charter. This authority was transferred to a sinking fund commission in 1840, composed of the mayor and six commissioners, two of whom were appointed by each of the municipal councils. Finally, the charter of 1836 continued the position of recorder, with one for each municipality and one for the city as a whole.

Agitation for reuniting the municipalities resulted in 1850 in a proposed new charter and a referendum on consolidation, which failed to pass. In 1852, however, the town of Lafayette in Jefferson Parish agreed to unite with the three New Orleans municipalities, and a new charter was put into effect without a referendum.<sup>7</sup> This charter provided for a bicameral council composed of two boards—a board of aldermen with a term of either one or two years as determined by lot and a board of assistant aldermen with a term of one year. The former consisted of from ten to thirteen members, and the latter, of from twenty to twenty-seven, the size in each case being dependent on the number of registered voters in the areas which were used as the units of representation. In the case of the aldermen, the units were districts which corresponded to the former municipalities; in the case of the assistant aldermen, they were wards within these districts. The boards met separately but their legislative powers were the same. The only officeholders who were elected by city-wide vote were the mayor and four of the department heads, all of whom were chosen for two-year terms. The mayor had the veto power but it could be overridden by a three-fifths vote of the council.

The charter of 1852 was extensively revised in 1856 without changing, however, the basic pattern of the city's government. The bicameral council was retained but both boards were given a fixed size and the number of members was reduced. The three-fifths majority required to override the mayor's veto was changed to two-thirds. Reorganization of the administration was provided for through the abolition of certain boards, the creation of others, and council rather than popular election of two department heads. This charter remained in effect throughout the Civil War period, although there were a number of changes in the city's government. During the period of military occupation the mayor was appointed by the military authority, and after the restoration of civilian government in 1866 the reconstruction legislature actively controlled the city. The city's police force, for example, was replaced by a metropolitan police force under the control of the governor, which, although established for Orleans, Jefferson and St. Bernard parishes, had police powers throughout the state.

The city was given a new charter in 1870. This provided for what was in effect a commission form of government. Seven administrators and a mayor were elected by city-wide vote for a term of two years. Each administrator served as the head of a city department, being elected to that particular position. The departments were finance, commerce, improvements, assessments, police, public accounts, and water works and public buildings. The mayor was not the head of any department but served with the administrators as a member of the legislative body. He had no vote except to break a tie, but possessed the veto power, which could be overridden by five of the seven administrators. Even under the new charter, however, the state legislature continued its direction of city affairs until federal troops were withdrawn from the state in 1877.

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<sup>7</sup> 1852 Acts, Nos. 71 and 72.

The city returned to the mayor-council form of government in 1882 with a mayor elected for four years and a council of thirty members, all of whom were elected by districts. Four department heads were also elected, with the remainder appointed by the mayor with council approval.

Another charter was given to the city in 1896. This one continued the mayor-council form of government but reduced the size of the council to seventeen members. Only two department heads—the treasurer and comptroller—were elected. A civil service system was established, which lasted, however, only until 1900, when the reform government at city hall was turned out of office. The charter itself lasted until 1912.

The charter of 1912 provided for a commission form of government with a mayor and four commissioners elected at large for four-year terms. The mayor headed the department of public affairs, but assignments to the other departments—public finance, public safety, public utilities and public property—were by majority vote of the council. The commission was the legislative body, and its acts were not subject to veto by the mayor. It also appointed other top administrative officials and was responsible for preparing the budget of the city. In 1948 the commission was reorganized to consist of eight members—the mayor and seven commissioners, each of the seven being elected from a municipal district. The number of departments was similarly increased through the addition of public streets, public sanitation, and parks and institutions.

The commission form of government lasted until 1954 when it was replaced by a mayor-council form provided for in a home rule charter authorized by constitutional amendment of 1950.<sup>8</sup> This amendment declared that the city would have "the authority to adopt and enforce local police, sanitary and similar regulations and to do and perform all of the acts pertaining to its local affairs, property and government, which are necessary or proper in the legitimate exercise of its corporate powers and municipal functions."<sup>9</sup> This grant of power did not apply, however, to constitutional agencies, the Board of Liquidation, City Debt, the civil service system and the pension systems of the Sewerage and Water Board and the fire and police departments. The city was also prohibited from exercising any power which is inconsistent or in conflict with general law, and, without legislative sanction, from decreasing the salaries or increasing the hours of employment in the fire and police departments. The state legislature, in turn, was forbidden to amend or repeal the home rule charter "other than by general law which uniformly applies, both in terms and in effect, to all cities of the state." The classification of cities for purposes of legislation was permitted only if the classification is based on total population and is made to apply to no fewer than the five largest cities of the state, including New Orleans. Such legislation is not to become effective in New Orleans, however, until approved by the voters of the city. The city can amend or replace its own charter either by ordinance or by petition signed by 10,000 voters, with approval by a majority of the electorate in both instances.

<sup>8</sup> Almost all of the state's many constitutions have contained a so-called "home-rule" provision applicable to New Orleans. Except under the constitutions of 1898 and 1913, however, these provisions afforded the city very little protection from state legislative control. See "New Orleans Studies," *Projet of a Constitution for the State of Louisiana with Notes and Studies*, Vol. 4, pp. 27-41.

<sup>9</sup> *Constitution*, Art. XIV, Sec. 2.



While the home rule amendment was before the legislature, Mayor Morrison issued a public statement in which he declared that, if the amendment was passed by the legislature and approved by the voters, the council would create a non-partisan commission of civic leaders to prepare the draft of a new charter. Shortly after the November election, in which the amendment was approved by a majority of more than two to one, the mayor asked a group of civic organizations and institutions to name three persons from whom the council could choose one. When several members of the council objected to this system, the mayor modified his proposed ordinance to authorize the organizations either to designate one representative on the committee or to nominate two or more persons from whom the council would select one. The ordinance also provided for two additional representatives to be named by the council itself. In this form it was passed, with April 1, 1952 as the deadline for submission of the proposed charter to the council for approval.<sup>10</sup>

The committee hired a small research staff, which was headed by the director of the Bureau of Governmental Research. The staff prepared a total of 111 brief reports on the boards and commissions located in the city, devoted principally to their historical and legal background.<sup>11</sup> The committee considered the various forms of city government used in the United States and held public hearings to permit interested citizens and organizations to present their views. The proposed charter was submitted to the council by the deadline date and approved by it with some amendments. The voters of the city were given an opportunity the following November to vote either for the retention of the old form of government or in favor of the new. The new charter was adopted and went into effect on May 1, 1954.

The charter provides for a mayor-council form of government with a chief administrative officer who is appointed by, and is responsible to, the mayor. The council, which is the legislative body, is composed of seven members, five of whom are elected from districts and two at large. The term of office is four years and the salary is \$7500 per year. It is the mandatory duty of the council to redistrict the city within six months after each decennial census, and if this is not done the members receive no further salaries. A redistricting ordinance may not be vetoed by the mayor.

Regular council meetings must be held weekly during December and semi-monthly during the other months, and special meetings may be called either by the mayor or by the president of the council. They must be called upon petition of a majority of the members. The mayor has the right to appear before the council and express his views on pending questions, but he has no right to vote. He has, however, the right to veto any ordinance but this power must be exercised within ten days or the ordinance goes into

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<sup>10</sup> The ten organizations were the New Orleans Bar Association, the Chamber of Commerce, the Young Men's Business Club, the Louisiana Civil Service League, the Central Trades and Labor Council, the C.I.O. Regional Council, Tulane University, Loyola University, the Bureau of Governmental Research, and the League of Women Voters.

<sup>11</sup> These reports were not published but were numbered, bound together and titled "Boards and Commissions Reports Prepared for the Charter Committee for the City of New Orleans." Copies have been located in the archives division of the public library and in the files of the Bureau of Governmental Research. Several copies are also to be found in various offices at city hall. They will be cited by number as *Board and Commission Reports*.



effect without his approval. He also has the power to veto items in appropriation ordinances. Vetoes ordinances become law if repassed by a two-thirds vote of the council.

The mayor is elected for a four-year term and is not eligible to succeed himself after two full consecutive terms. He receives a salary of \$17,500 per year and a contingent fund of \$5,000, which he can use as he sees fit. A vacancy in the office is filled by special election if the unexpired term is for a year or more. If it is for less than a year, the district councilmen choose one of the two councilmen-at-large as mayor. The position is also filled by a councilman-at-large if the mayor is disabled or absent from the city, but under such circumstances the choice is by the mayor unless he fails to act within ten days, when it is by the district councilmen. Removal of the mayor is not provided for by the charter except by reference to the provisions of the state constitution and state law.

The mayor is the chief executive officer of the city and as such is charged with the responsibility of seeing that the charter and all ordinances, laws and contracts are enforced. He has the power to supervise and coordinate the work of the administrative departments and to exercise general oversight of the activities of various boards and commissions. He appoints alone the chief administrative officer and the city attorney and, with the approval of a majority of the council, the members of municipal boards. He can remove at pleasure only those who are appointed without council confirmation. He is required to submit annually to the council an operating budget, a capital program and a capital budget.

The charter gives to the chief administrative officer the power to appoint and remove, with the approval of the mayor, the heads of all administrative departments whose appointment or removal is not otherwise provided for by the charter or applicable state law. He has the power to supervise the heads of all departments except law and civil service, but he can be relieved of this responsibility by written notice from the mayor at any time, except as respects the departments of finance and property management. In the event that the mayor removes a department head from supervision by the chief administrative officer, he himself immediately assumes full responsibility for such supervision. Although the chief administrative officer is denied the power to supervise the departments of law and civil service, he is empowered to "give general oversight" to them and to the city planning commission "for the purpose of coordinating their activities with those of other agencies of the City."

Other powers of the chief administrative officer as listed in the charter are to:

- inform himself and keep the mayor advised concerning the activities and policies of all offices, departments and boards, and . . . make, or cause to be made, investigations and studies of the internal organization and procedures of any office, department or board and . . . require such reports from any of them which he deems necessary;

- prescribe accepted standards of administrative practice, to be followed by all offices, departments and boards;

- prepare the annual operating and capital budgets, and supervise the execution of the budget ordinances;

- make information available to the Mayor, the Council, and the public concerning the current status of the financial affairs of the City, and all offices, departments and boards receiving appropriations from the City;

attend meetings of any board or committee of which the Mayor is a member when requested by the Mayor; provided, that he may participate in the discussion and deliberations of such board or committee but shall not introduce any motion or resolution nor vote thereon;

attend meetings of the Council at its request and make available such information as it may require; and

perform all other duties required of him by this Charter, or assigned to him in writing by the Mayor.

The most important power of the chief administrative officer is to "prepare the annual operating and capital budgets, and supervise the execution of the budget ordinances." The charter provides for a capital program, which is a listing in detail of all permanent physical improvements that are planned to be financed in whole or in part from municipal funds which will become available during the next five years. The capital program is prepared by the city planning commission, to which every agency is required to submit annually a list of the projects in process of construction or acquisition and those which are proposed for the next five years. Each project must be justified, and the estimated cost of construction and operation, the method of financing and the source of funds must be shown. The chief administrative officer is also required to submit to the commission a statement of the amounts likely to be available from the general and special funds and from bonds which the mayor believes it would be proper for the city to issue during the next five years. From this information the commission prepares the proposed capital program, attaching to it as an appendix a list of approved projects which have been proposed by various agencies but are not included in the recommended program. For each project which is recommended the amount and sources of the money which is to be spent or encumbered for each year must be shown.

The capital program thus prepared is submitted to the mayor and by him to the council, along with his own recommendations and a proposed capital budget ordinance prepared by the chief administrative officer. The council has the power to amend the program, but it cannot do so until it has requested and received through the mayor the recommendations of the planning commission. The program becomes effective for the next fiscal year upon the adoption of the capital budget ordinance.

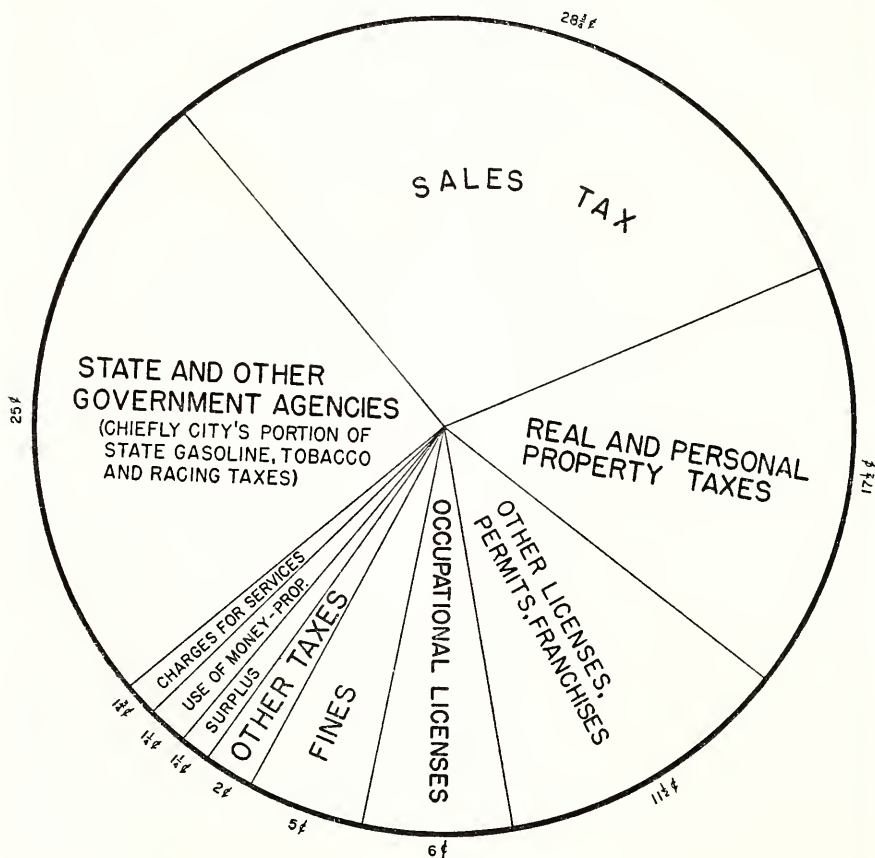
The preliminary operating budget, on the other hand, is prepared for the mayor by the chief administrative officer, to whom all requests for appropriations are sent by the various departments and boards. The mayor is authorized to review this preliminary budget and to hold either formal or informal hearings at which the heads of the various agencies can defend their requests. The chief administrative officer then prepares the budget under the direction of the mayor, who presents it to the council not later than November 1, along with proposed revenue and operating budget ordinances. The budget ordinance must provide lump sum appropriations under the following classes for each budget unit: (a) personal services, (b) contractual services, (c) materials and supplies, (d) improvements of an estimated life of less than ten years, and equipment, (e) debt service, and (f) such other classes as the mayor may annually establish. The council can increase, decrease or delete any recommended item and by two-thirds vote add new items or subdivide existing items, provided that appropriations for personal services

are made only in lump sum amounts and not by specific positions or rates of pay. At the time the operating budget is passed the council must impose such taxes or other revenue measures as will yield enough money, with the available surplus, to balance the budget. The operating budget does not become effective and no expenditure can be approved by the Department of Finance until this has been done.

The operating budget of the city totalled \$29,177,230 for 1959. Charts I and II show for the same year the sources of revenue and the purposes of expenditure.

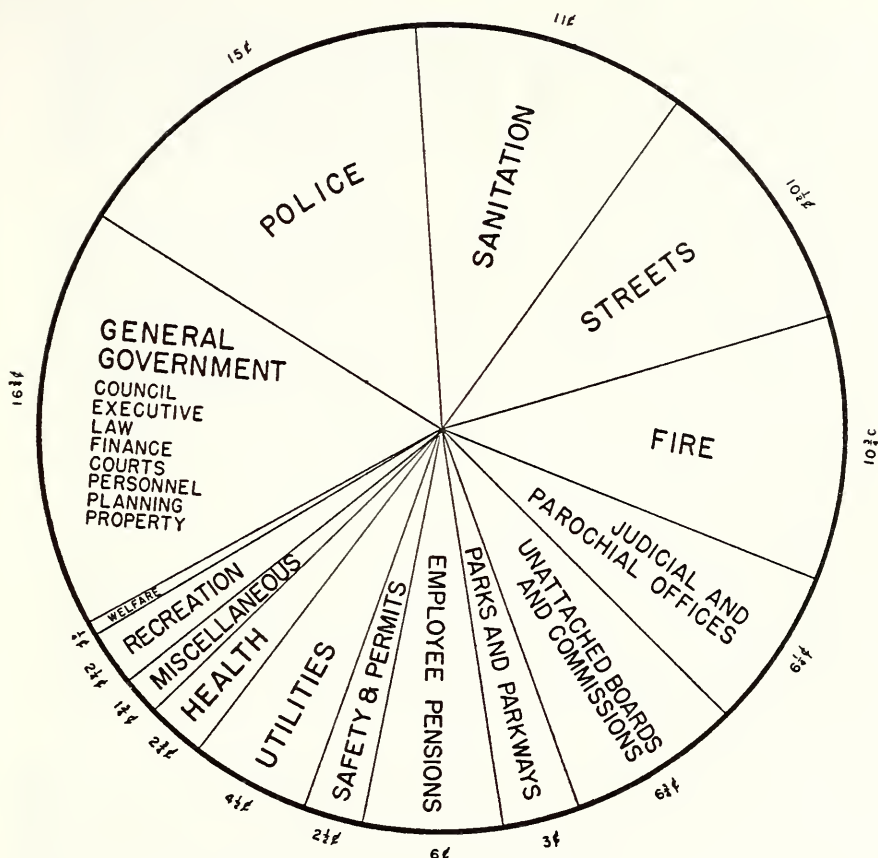
The charter provides for a system of quarterly budget allotments by the chief administrative officer, which can be altered by him at any time. The mayor can also direct appropriate revisions in allotments to keep expenditures

CHART I  
THE NEW ORLEANS BUDGET DOLLAR —  
WHERE IT COMES FROM



Source: *City of New Orleans Operating Budget, 1959*, p. 3.

CHART II  
THE NEW ORLEANS BUDGET DOLLAR —  
WHERE IT GOES



Source: *City of New Orleans Operating Budget*, 1959, p. 7.

within the revenues of the city. The Department of Finance is responsible for the collection of all revenues, the custody of all funds and the payment of all obligations. An annual post-audit is provided for, which is to be performed by an independent certified public accountant selected by the council.

Control over most of the debt of New Orleans is vested in the Board of Liquidation, City Debt, which was created in 1880 to liquidate the excessive indebtedness incurred during the reconstruction period. It is now a constitutional body, consisting of the mayor and the two councilmen-at-large, ex officio, and six members who have life tenure. When a vacancy occurs among the latter, it is filled by the remaining five, so that the board is,



so far as its majority membership is concerned, a self-perpetuating body responsible neither to the electorate nor to any elected official. The role of this unusual governmental body is thus described in a Bureau of Governmental Research study of 1953:

From one standpoint the Board is in the position of "trustee for the bondholder." For example, the Board's portion of the tax revenues is separated from general city revenues and paid over to the Board daily. These revenues cannot be diverted. Furthermore, the Board possesses unlimited taxing power to meet debt obligations—taxing power which is entirely separate from that of the city government. In the event that revenue from the city is insufficient for debt service, such additional special taxes as are necessary may be levied by order of the Board and enforced by the judiciary upon constitutional authority.

From another standpoint, because of its broad constitutional grant of power, the Board acts as a "trustee for the taxpayer." It is charged with the approval or disapproval of the incurrence of new debt, the establishment of the time of issue and the terms of new debts, and the payment of the city's debt obligations. These discretionary powers of the Board occur at two levels.

First, the Board has the authority to approve or disapprove the requests of the Commission Council for the creation of new debt. This decision presumably is based upon the legality of the proposed issue and the ability of the city to carry additional debt obligations. The issue, in order to be approved by the Board and go before the people in a taxpayer's election, will have to fall within the ten per cent debt limitation and it will be further necessary that the yearly obligations incurred not be in excess of the specifically authorized tax revenue for debt purposes.

Second, the terms at which the issue will be sold are, with certain legal restrictions, established by the Board. The state Constitution requires that the bonds must be issued serially in such a manner that the amounts which the Board must pay out yearly shall be as nearly equal as practicable, that the Board is required to begin the payment of principal within two years of the date of issuance, that the length of maturity of the bonds may not exceed fifty years, and that public sale is required. Within these general limitations, however, the Board of Liquidation exercises important discretionary power as to the length of the term of the issue, what constitutes an acceptable rate of interest and other matters allied to the sale of the bonds, including the right to reject all bids.<sup>12</sup>

The charter contains little on the subject of personnel except a "stand-by" article which establishes a civil service system to go into effect if the state should "cease to provide for a system of personnel administration applicable to the city." Since the existing system was established by state law in 1940, it was not necessary for the charter to do more than recognize it and provide that the functions of the civil service department "shall be as provided by applicable state law." In one respect, however, it did go further than the law. This was in placing a strong prohibition on political activity by classified employees—a prohibition which had been eliminated from the state law in 1942. Such a provision was subsequently reenacted, however, as a part of the constitutional amendment of 1952 which reestablished the state civil service system and strengthened that of the city.<sup>13</sup> The city has approximately 8000 employees, of whom over 90 per cent are in the classified service.

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<sup>12</sup> Bureau of Government Research, *Governmental Debt in New Orleans*, unpublished staff study, 1953, pp. 3-4.

<sup>13</sup> See L. Vaughan Howard, *Civil Service Development in Louisiana*, *Tulane Studies in Political Science*, Vol. III (1956), Chapter VIII.

In addition to civil service, the charter creates, continues or recognizes twelve other departments, as follows: law, police, fire, safety and permits, sanitation, streets, recreation, welfare, health, finance, property management and utilities. It also establishes or continues three classes of boards and commissions as follows:

(a) Departmental

In the Department of City Civil Service:

Civil Service Commission

In the Department of Health:

Board of Health

In the Department of Welfare:

City Board of Welfare

In the Department of Safety and Permits:

Board of Electrical Examiners

Board of Mechanical Examiners

Board of Examiners of Operating Engineers

(b) Attached to Departments

To the Department of Safety and Permits:

Board of Building Standards and Appeals

Board of Zoning Adjustments

To the Department of Property Management:

Board of Managers of the Isaac Delgado Central Trades School

Delgado Albania Plantation Commission

To the Department of Finance:

Board of Trustees of the Municipal Employees' Retirement System

Board of Trustees of the Police Pension Fund

Board of Trustees of the Firemen's Pension and Relief Fund

(c) Unattached

Board of Liquidation, City Debt

Public Belt Railroad Commission

Sewerage and Water Board

Board of City Trusts

City Planning Commission

Public Library Board

New Orleans Aviation Board

Vieux Carré Commission

Parkway and Park Commission

In addition to the three classes of boards listed above, there is a fourth group which is incorporated in the charter by reference but without enumeration. This is a result of the provision abolishing all agencies heretofore performing functions in the city "except those required to be continued by provisions of the constitution, general laws, contracts and donations." The agencies in this category perform functions which it was thought could not legally be placed under the jurisdiction of the general city government because the function itself either was not regarded as municipal in character or was performed by a privately incorporated agency set up under the terms of a contract or donation. This group of agencies is therefore composed of two sub-classes as follows:

(a) Agencies performing local functions, created or recognized by state law or constitution

Audubon Park Commission  
 New Orleans City Park Improvement Association  
 Housing Authority of New Orleans  
 Mississippi River Bridge Authority  
 Railroad Terminal Board  
 Upper Pontalba Building Commission  
 Board of Commissioners of the Port of New Orleans  
 Board of Levee Commissioners of the Orleans Levee District  
 Board of Administrators of the Charity Hospital of New Orleans

(b) Local agencies established through private incorporation

Audubon Park Natatorium, Inc.  
 Board of Administrators, Isaac Delgado Museum of Art  
 Board of Commissioners of Fink Asylum  
 French Market Corporation  
 Institute of Mental Hygiene of the City of New Orleans

There is still another group of boards—the advisory committees, of which there are more than thirty. Under the charter, these can be created by the mayor or by department heads, with the approval of the mayor, to serve on a yearly basis. They are not paid and cannot have any employees of their own.

Of all the boards listed above, only three function as the heads of departments—the Civil Service Commission, the Board of Health and the City Board of Welfare. The three licensing boards are specifically forbidden to exercise the powers of department heads and can only perform such functions as are assigned to them by ordinance. The boards which are attached to departments are not a part of the departments, but the departmental head is, to the extent permitted by law, an ex officio board member. The responsibility of the department with respect to such boards, however, is “limited to the general oversight of their operations for the purpose of providing information to the Mayor, Chief Administrative Officer and the Council.”

The nine unattached boards are in varying degrees independent of the general city government. The mayor, however, can “exercise general oversight” of their activities and “coordinate them with other activities of the city.” He also appoints their members with council approval but cannot remove them. The chief administrative officer can “give general oversight” to the planning commission for the purpose of coordinating its activities with those of other agencies of the city. With respect to the other boards named in the charter, he can “inform himself and keep the mayor advised” regarding their activities and policies. He can also “make, or cause to be made, investigations and studies” of their internal organization and procedures, require such reports from them as he deems necessary, and “prescribe accepted standards of administrative practice” to be followed by them.

Most of the boards not mentioned in the charter which were established by state law or the state constitution are state boards which perform their functions locally. The principal exceptions are the Audubon Park Commission and the New Orleans City Park Improvement Association, which administer the city’s largest parks. Even as respects these agencies, however, the charter committee expressed doubt in its letter transmitting the charter to the commission council as to whether the park function was municipal or state. Because of this



uncertainty, the park boards were not mentioned in the charter. Since 1952, however, the employees of the Audubon Park Commission have been held by the civil district court of Orleans Parish to be under city civil service.

The boards established through private incorporation are not listed in the charter apparently because they were considered by the charter committee to be private agencies. They are, however, so closely related to the city government that they acquire in fact at least some of the characteristics of a public body. In some respects they function as public agencies, but they are subject only indirectly to public control. They can perhaps best be designated as quasi-public bodies, the exact status of which has never been authoritatively determined.

It is clear from what has been said above that the administrative structure of the city's government is, despite the charter changes of 1954, still complicated and confusing. Home rule has not resulted in much simplification of the machinery of government. It has of course elevated the mayor to the position of chief executive, but his administrative powers are limited to those departments and agencies which were clearly under control of the city at the time the charter was adopted. Likewise exempt from his jurisdiction are certain other agencies, some of which exist by virtue of private incorporation but which perform public functions. Except for changing some of the lines of administrative responsibility, the charter of 1954 did not greatly alter the existing pattern of city administration.

Furthermore, it is doubtful if even these changes are fully understood in the community. Under the form of government in effect prior to 1954, the members of the commission council were the heads of administrative departments and paid a salary of \$7500 a year for full-time service. Under the new charter the council is only a legislative body and its members are not expected to devote their full time to legislative service. Some of them have done so, however, perhaps in part because of the fact that their salaries were not reduced, and five members of the old council continued to serve on the new one. Only three of those in office in 1959, however, had been members of the commission council prior to 1954.

An interesting sidelight on community opinion is supplied by the telephone switchboard operators at city hall, one of whom was quoted in September, 1957 as saying that callers still asked for the commissioner of this or that city activity. "People don't realize yet," she said, "that we don't have commissioners in charge of particular things like streets or parks any more. Under the new city charter the old commissioners are now councilmen—lawmakers—and administrative departments handle the particular affairs."<sup>14</sup>

#### PARISH GOVERNMENTS

There are, as already noted, three parishes in the New Orleans metropolitan area—Orleans, Jefferson and St. Bernard.

##### Orleans Parish

Territorially, Orleans Parish and the city of New Orleans are one and the same. Governmentally, the two units have also been consolidated, though there are some vestiges of parish government which still remain. The process of consolidation began with the establishment of Orleans Parish in 1822.<sup>15</sup> The act

<sup>14</sup> *New Orleans Item*, September 26, 1957.

<sup>15</sup> Acts of 1820-1824, No. 88. Prior to that time the city had the power to exercise within its borders the functions of a police jury. Acts of the Second Session of the First Legislature, p. 160, Sec. 7.

of 1822 created a police jury as the governing body of the parish but required it to act jointly with the council of the city in a number of situations. These have been summarized thus by R. L. Carleton:

Whenever a tax was imposed, part of which was payable by New Orleans, twelve members of the City Council selected by that body sat with the police jury for the purpose of assessing and levying the tax. Also, aldermen of the City Council sat in the police jury and voted on the selling, alienating, or mortgaging of any property belonging to the combined area; or on the purchase of any property, the borrowing of money, or on the erection of public buildings. For the affairs of the rural part of the parish, that part of the parish outside the city was divided into five wards with one juror elected from each ward.

Thus, we see the following situation existing at that time. The police jury, so formed, regulated the affairs of the rural part of the parish only, their [sic] authority not extending into the City of New Orleans, while it was the duty of the City Council to exercise within the city limits the same functions committed by law to police juries. All questions concerning roads, levees, buildings, and other public works involving the whole parish, rural and urban alike, were regulated by the police jury and the City Council sitting together.<sup>16</sup>

There seems to have been little change in the government of Orleans Parish during the period when New Orleans was divided into three municipalities. In 1852, however, the city, with boundaries which were the same as those of that part of the parish lying on the East Bank of the river, was separated from the rest of the parish, and a separate police jury created for the West Bank portion.<sup>17</sup> In 1870 the West Bank area was annexed to New Orleans along with a portion of Jefferson Parish.<sup>18</sup> The police jury was abolished and the city given full authority over parish affairs. Four years later the city of Carrollton in Jefferson Parish was annexed, and the territorial expansion of New Orleans and Orleans Parish was completed.

The only vestiges of parish government which remain are certain offices which are outside the framework of the city's government.<sup>19</sup> They include the board of assessors for the Parish of Orleans, civil sheriff, criminal sheriff, coroner, district attorney, register of conveyances, recorder of mortgages, clerks for the civil district court and the criminal district court and one constable for each of the two city courts. These are all constitutional officers, who are popularly elected on a parishwide basis except that the seven members of the board of assessors are elected by districts. Each assessor is responsible for the assessment of ad valorem taxes in his district and this is the basis for the levy of both city and state taxes. The parish levies no tax and does no collecting. City taxes are paid to the city's Department of Finance and state taxes, to a state tax collector for the city of New Orleans, who is popularly elected.

All or a part of the expenses of the offices of assessors, criminal sheriff, coroner and district attorney are paid by the city. In the case of the assessors, for example, the city's share is 70 per cent, or \$154,000, with the remainder paid by the state tax collector.<sup>20</sup> The city pays the total cost of the coroner's

<sup>16</sup> R. L. Carleton, *Local Government and Administration in Louisiana*. (Baton Rouge, 1935), pp. 52-53.

<sup>17</sup> *Ibid.*, p. 55.

<sup>18</sup> 1870 Acts, No. 7.

<sup>19</sup> These are called parish offices, although legally they should probably be designated as state offices for Orleans Parish, since there is no overall parish government.

<sup>20</sup> *New Orleans Item*, Oct. 29, 1957.

office, but only about three-fourths in the case of the district attorney. The civil sheriff is paid partly out of fees collected by him and partly from a legislative appropriation. The others are paid out of the judicial expense fund, which is established by the constitution<sup>21</sup> to make the civil courts and related agencies of the parish financially self-supporting. The fund, which is administered by the seven judges of the civil district court for Orleans Parish sitting *en banc*, consists of the fees collected by the clerks of the civil district and first and second city courts, the registrar of conveyances and the recorder of mortgages. Out of it are paid the expenses of these offices and a part of the salaries of the judges of the courts. The fees collected by each agency and court are turned over daily to the Department of Finance of the city, which pays all salaries and expenses authorized by warrants signed by the presiding judge of the civil district court.

There are certain other parish officers who are appointed. These include the Orleans Parish Board of Public Welfare, the Board of Jury Commissioners, the Orleans Parish Landmarks Commission, the Board of Supervisors of Elections, the Registrar of Voters, the Parish Agricultural Agent, the Parish Service Officer, the Public Administrator and the Attorney for the Inheritance Tax Collector. Appointments to these offices are for the most part made from Baton Rouge, though the mayor appoints the Parish Service Officer. The city, however, helps to finance most of them.<sup>22</sup>

There are in Orleans Parish both state and city courts. The former include two so-called city courts with jurisdiction in small claims cases, a civil and a criminal district court, a juvenile court and a court of appeals; the latter, a municipal court for the trial of violators of municipal ordinances, and a separately organized traffic court. All of these courts were created by the state constitution. The salaries of judges are paid by the state or city, respectively, but all the state courts receive a city appropriation for personal services.

In spite of the existence of a relatively large number of agencies and offices, Orleans Parish can hardly be classified as a unit of government. The act of 1870, previously mentioned, is clear and explicit. It provided that

All that portion of the Parish of Orleans situated on the left bank of the Mississippi River, and all that portion of the Parish of Orleans situated on the right bank of the Mississippi River shall constitute the Parish of Orleans and the City of New Orleans, and that all the inhabitants thereof shall be a body corporate, to be known by the name of the City of New Orleans, and by that name they and their successors shall be known in law . . . and upon the first organization of the council, as herein provided, shall be vested with all the powers, rights, privileges and immunities incident to a municipal corporation, and necessary for the proper government of the same.<sup>23</sup>

The act further declared that "all the rights, powers, privileges and immunities possessed and organized by . . . the police jury of the Parish of Orleans, right bank, as at present constituted, shall cease and terminate, and be vested in the City of New Orleans, as established by this act."

Since there was at the time this act was passed no police jury for the left bank, Orleans Parish was in 1870 effectively abolished as a unit of government. The offices which remained or have been established since that date are either vestiges of the former parish government or state offices operating in

<sup>21</sup> Art. VII, Sec. 95.

<sup>22</sup> See *City of New Orleans Operating Budget*, 1959, pp. 98, 101.

<sup>23</sup> 1870 Acts, Extra Session, No. 7.



the parish. The constitution of 1921 and the state statutes contain many references to Orleans Parish, and all laws apply to it unless specifically stated. There has even been a parish courthouse built with state and city funds.<sup>24</sup> Since the parish has no central governing body and none of the powers commonly possessed by the other parishes of the state, it is in fact little more than a name. Existing parish offices perform what are for practical purposes local functions which have not been turned over to the city or state functions decentralized to the local level. They do not differ greatly from the independent agencies which are only nominally within the framework of the city's government.

### Jefferson Parish

Jefferson Parish was created in 1825 out of territory which had been a part of Orleans Parish. From 1834 to 1958, except for the reconstruction period, the central governing body was the police jury.<sup>25</sup> It consisted in recent years of seventeen members who were elected for a term of four years from the ten wards into which the parish was divided. The powers of the parish were vested for the most part in this body and in the sheriff, who was also popularly elected. In 1952 Sheriff Clancy, who had held the office since 1928, announced that he thought the police jury system was antiquated and that it should be replaced by a commission form of government. A bill embodying his ideas was passed by the legislature of that year.<sup>26</sup> It provided for a commission council of five members, one of whom was to be elected at large and the remainder by wards. The act was approved by the voters of the parish in a special referendum election held in November, 1952. The five commissioners were elected in 1956 and the new form of government was ready to be launched. About six weeks after the election, however, the Supreme Court declared the act of 1952 to be invalid on the ground that it violated the constitutional provision requiring the legislature to provide optional plans for the organization of parochial government and allowing any parish to change from one plan to another when authorized by a majority of its electors.<sup>27</sup> This decision had the effect of invalidating the election of the commission members and thus continuing in office the members of the police jury who had originally been elected in 1952. However, William S. Coci, the newly elected sheriff, replaced the long-time incumbent, Frank Clancy.

The next step was a constitutional amendment passed by the legislature of 1956 and adopted the following November. This provided for a parish charter commission of fifteen persons selected as follows. Three were to be appointed by the police jury, one by each of the four municipalities in the parish—Kenner, Gretna, Westwego and Harahan—and one each by the district attorney of the twenty-fourth judicial district, the parish bar association, the parish League of Women Voters, the parish chamber of commerce, the presidents of Tulane, Loyola and Louisiana State universities, and the members of the parish delegation in the state legislature. The commission was given nine months in which

<sup>24</sup> The building was sold by the city in 1956 to the Louisiana Wild Life and Fisheries Commission.

<sup>25</sup> See "A Brief History of Jefferson Parish," prepared by the Louisiana Historical Records Survey Project and published in *Jefferson Parish Yearly Review*, 1939, pp. 127-183. This history was reprinted in mimeographed form as a supplement to the *Inventory of the Parish Archives of Louisiana*, No. 26, Jefferson Parish (Gretna), prepared by the Historical Records Survey, Works Progress Administration, 1940, 25 pp.

<sup>26</sup> 1952 Acts, No. 170.

<sup>27</sup> *Ladnier et. al. v. Mollere et. al.*, 230 La. 783 (1956).

to complete a plan or alternative plans for the government of the parish, which had to be submitted not less than sixty days later to the people in a special election.

The amendment declared that its purpose was "to afford wide latitude to the people of the Parish . . . in adopting a home rule charter of government for the Parish . . . and other political subdivisions and districts situated therein." To this end it was given the power with certain exceptions to provide for the consolidation or reorganization of any or all of the governmental units, agencies and subdivisions of the parish, including the assumption of the indebtedness of those which were abolished by those which were continued. The agencies and units excepted from this grant of power were the offices of the sheriff, the clerk of the district court, the tax assessor, the school board and the four municipalities of the parish.

Immediately upon the adoption of the amendment the members of the commission were appointed and the Public Administration Service engaged to assist it in the discharge of its responsibilities. The work was well under way when the district court for Jefferson Parish declared the amendment to be unconstitutional. The decision was based on two grounds. The first was that the amendment was incapable of execution because it required a commission of fifteen persons but gave appointive authority for only fourteen. This situation resulted from the fact that one of the appointing agencies, the Jefferson Parish Chamber of Commerce, was non-existent at the time the amendment was passed. Although one was subsequently formed, its representative was rejected by the commission, which accepted a person named by the East and West Bank councils of the Chamber of Commerce of the New Orleans Area. The second reason was that the language of the amendment was said to be ambiguous and contradictory. This situation, in the opinion of the court, resulted from the fact that, although the amendment declared that its intent was to afford wide latitude to the parish in the adoption of a home rule charter, the powers of the charter commission were limited by excluding from its jurisdiction certain parish offices, as well as the incorporated municipalities.<sup>28</sup> Shortly thereafter a second blow fell when the police jury cut off the commission's funds. It refused to give up, however, and raised money through public subscription, pending the outcome of an appeal to the Louisiana Supreme Court.

The charter commission finished its work early in September, 1957. It proposed alternative plans of government, both of which provided for a council of seven members, with four elected by districts and one each from the East Bank, the West Bank and the parish at large. The plans differed chiefly in that one called for the popular election of a parish president for a four-year term and the other for a manager selected by the council. Since the aim of both plans was to secure home rule, both claimed for the parish all the powers of parish government and of officers not specifically excluded by the amendment which were possible under the constitution and general laws of the state. Another feature of both plans was that they brought under central control all the special districts which had been created in the parish. Departments of finance, personnel, planning and law were established, and others could be created by the council after consultation with the executive. Provision was made for the initiative, referendum and recall and for amendment of the charter by local action.

<sup>28</sup> *New Orleans Item*, June 13, 1957.



When the proposed charters were submitted to the police jury, it refused to call the referendum which the constitutional amendment required and had to be ordered to do so by the local district court. A quorum of police jury members was not present at the next meeting to ratify the call issued by the president of the jury, and so all the jurors were subpoenaed to appear in court to explain why the order should not be carried out. At this point the jury decided to approve the election call and a few days later the state Supreme Court upheld the constitutionality of the amendment creating the charter commission.

There were three choices on the ballot: (1) a seven-man council with parish manager, (2) a seven-man council with parish president, and (3) the existing police jury. The parish president plan received a majority of all the votes cast and shortly thereafter the new officers were elected to serve until the next state election in January, 1960. They were installed in March, 1958, and thereafter the police jury ceased to exist.

Under the new government, the council member elected at large serves as its chairman and receives a salary of \$7500 a year. The other members receive \$5000 and are forbidden to hold any other public office. The council is required to meet at least once a month. It is the legislative and policy-making body of the parish, and has the power to abolish or consolidate existing departments, offices and agencies except those headed by the sheriff, the clerk of the district court, the tax assessor and the school board.

The president is the chief executive of the parish. He is, however, responsible to the council for carrying out its policies and for supervising parish agencies. He does not have the veto power and his salary is fixed by the council. Four departments are established by the charter and others can be created by the council after consultation with the president. The president has the power to appoint and remove, and council members are required to deal with administrative officials and employees solely through him.

The four departments created by the charter are finance, personnel, planning and law. The first-named is under a director, whose powers include the following:

- (1) to assist the President in the preparation and execution of the parish budget and capital program;
- (2) to assist the President and Council in negotiating loans and in the issuance and sale of bonds whenever this becomes necessary as a result of Council action;
- (3) to maintain records of parish indebtedness and have charge of the payment of the interest and principal thereon;
- (4) to have custody, as ex-officio parish treasurer, of all public funds belonging to or controlled by the parish or any parish department, office, agency, or special district, except those of the parish School Board and of the 24th Judicial District and officers thereof;
- (5) to pre-audit all contracts, orders, and all other documents which incur financial obligation for the parish or for any of its departments, offices, agencies, or special districts to determine availability of funds and the legality of all financial transactions;
- (6) to administer a general accounting system for the parish and each of its offices, agencies, and special districts and exercise financial budget control over each department, office, agency, and special district;
- (7) to prepare and submit financial reports as required by the Council or Parish President; and
- (8) to administer a central purchasing system for the parish and each of its departments, offices, agencies, and special districts.

The personnel department consists of a director, who is its executive head, and a board of three members, the duties of which are "policy-making and judicial in nature." The members of the board are appointed for overlapping terms of six years—one by the president with the consent of the council and the other two by the president alone. One of these, however, must be selected from a list of three persons submitted by the president of Tulane University and the other, from a similar list submitted by the president of Loyola University of the South. Board members can be removed only for cause after notice by the president and public hearing by the council. The personnel director is named by the board and serves at its pleasure. The only positions which are exempt from civil service are the directors of departments and heads of principal agencies, the parish clerk, the parish attorney and his legal assistants, and all persons employed by the parish on a contractual basis.

The heads of the legal and planning departments are appointed by the president, with approval by the council in the case of the former. Assistants to the parish attorney are provided for, and they are not subject to civil service requirements. The planning director is assisted by an advisory board and a zoning appeals board, the duties of both of which are declared by the charter to be "advisory or quasi-judicial," as may be determined by ordinance.

The charter requires the president to appoint an advisory board composed of one representative from each ward into which the parish was divided before the new charter was adopted. The duties of this board and the term of office of its members are to be specified by the president. The council can also create such other advisory boards as it deems necessary and prescribe the number, manner of appointment, length of term and duties of members. The council created such a board in 1959 to advise it regarding amendments to the charter.

Finally, the charter provides for the initiative, referendum and recall, and for a method of amendment. Amendments can be proposed by the council or by a petition signed by 15 per cent of the registered voters. An election must then be held, with approval by a majority of the persons voting on the proposal.

### St. Bernard Parish

St. Bernard Parish is one of the seventeen parishes originally created in 1807.<sup>29</sup> Its central governing body is the police jury. The origin of this body is found in a general territorial law of 1807 which provided that "the parish judges together with the justices of the peace and a jury of twelve inhabitants shall meet once in each year—or oftener if necessary at the request of the parish judge."<sup>30</sup> Judges and justices of the peace were gradually eliminated from the jury so that by 1830 the present-day features of parish government were for the most part already formed.

In St. Bernard Parish, the police jury consists of seven members who are elected by wards for a term of four years. It selects its own chairman and appoints a clerk, a registrar of voters and a treasurer, as well as such other personnel as it thinks necessary. Elected officials include the sheriff, who

<sup>29</sup> A brief history of the parish is found in *Inventory of the Parish Archives of Louisiana*, No. 44, St. Bernard Parish, prepared by the Historical Records Survey, Works Progress Administration, 1938, mimeographed, pp. 3-27, 37-44.

<sup>30</sup> Louisiana Legislative Council, *Louisiana, Its History, People, Government and Economy*, Louisiana Research Study No. 7 (November, 1955), p. 136.

is also tax collector, the coroner, the tax assessor, and the clerk of the district court, as well as the district attorney, who serves both St. Bernard and Plaquemines parishes. The powers of the police jury are fixed by general law and are quite broad, including both legislative and administrative duties. The jury has been controlled by the representatives of the rural wards, since wards 1, 2 and 3, which are estimated to have two-thirds of the population, have had only three members. This situation will be changed in 1960, when wards 2 and 3, as a result of a special census in 1959, each acquire two additional representatives. The police jury will then become an eleven-member body, and possibly larger following the regular census of 1960. Political control in the parish is not centralized since there have been in recent years at least three factions competing for power.

### OTHER GOVERNMENTS

Other units of government in the New Orleans metropolitan area are the incorporated places, the school boards, and the special districts.

#### Incorporated Places

The incorporated places are Gretna, Harahan, Kenner and Westwego, all of which are in Jefferson Parish.<sup>31</sup> All are classified as cities, since state law provides that municipalities having 5,000 or more inhabitants are cities, those having between 1,000 and 5,000 are towns, and those with less than 1,000 are villages. The last one to acquire the status of a city is Harahan, which had a population of 3,392 in 1950.<sup>32</sup> It took a special census in 1953, however, upon the basis of which its classification was changed by proclamation of the governor. All are incorporated under the Lawrason act of 1898 as amended.<sup>33</sup>

This act is a general law, under which two-thirds of the voters of an unincorporated place may petition the governor for incorporation of the area. If the facts required by the petition are found to be correct, the governor is required to proclaim the village incorporated. Reclassification as a town or city can take place only by proclamation of the governor whenever a federal or municipal census shows that the population has increased sufficiently to justify the change.

Under the Lawrason act every municipality is required to have a mayor, aldermen, a marshal, a tax collector, a clerk and a street commissioner. The number of aldermen in a village is fixed at three; in a town, five; and in a city, five to nine. The mayor, aldermen and marshal are popularly elected while the others are selected by the board of aldermen. The act further provides that:

When there are eight or more aldermen, two shall be elected by each ward in a city and the remainder at large, and in other cases an equal number of aldermen shall be elected in each ward of a city, the remainder at large.

<sup>31</sup> Grand Isle was also incorporated in 1959, but its incorporation is being challenged in the courts by the district attorney of Jefferson Parish.

<sup>32</sup> The population of others in 1950 was: Kenner, 5,512; Westwego, 8,281; and Gretna, 13,843.

<sup>33</sup> 1898 Acts, No. 136.

If a town is divided into wards, one alderman shall be elected in each ward and one at large. The mayor and marshal in all municipalities shall be elected at large. The street commissioner and clerk may be an alderman, and the mayor may be street commissioner, if the Board of Aldermen so elect. The clerk or marshal may be tax collector or assessor, if the Board of Aldermen so decide.<sup>34</sup>

The mayor and aldermen have the power to create additional offices and to appoint and remove all officers and employees other than those named above. Every city must be divided into four wards, but in a town the mayor and board of aldermen may determine whether the ward system of election is to be used. Elections are held every four years on the Tuesday following the second Monday of June. Both mayor and aldermen must be qualified voters of the municipality and residents of the parish for two years. In addition, aldermen elected by wards must be residents of their respective areas. If any elective office becomes vacant, it is filled for the remainder of the term through appointment by the governor.

The mayor and board of aldermen must meet at least once a month. Special meetings may be held at any time, however, at the instance of the mayor or any alderman. The mayor presides but votes only to break a tie. He has the veto power, but he can be overridden by a two-thirds vote. The powers conferred upon the mayor and aldermen are broader for cities and towns than for villages. The additional powers include the establishment of fire and police departments, hospitals, houses of correction, and libraries, and the regulation of all trades and professions.

The act gives to the mayor "the superintending control of all offices and affairs of the municipality." He can require any officer to "exhibit his accounts or other papers, and to make a report to the Board of Aldermen, in writing, on any matter pertaining to his office." Although he does not have the specific power to remove administrative officials, he is required to "cause" them "to be dealt with promptly for any neglect or violation of duty." The mayor is also a judicial officer with jurisdiction over all violations of municipal ordinances and power to impose both fines and imprisonment.

Government in all of the municipalities of Jefferson Parish is relatively small, and, because they have the same charter, almost identical in its overall aspects. Kenner was incorporated in 1873, Gretna, in 1913, Westwego, in 1919 and Harahan, in 1920. In all four places the board of aldermen has five members and functions through a committee system. In Gretna, for example, there are committees on health and sanitation, waterworks, finance, parks and recreation, and vehicles and equipment. Each works through a superintendent who is in actual charge of the activity. In Kenner, on the other hand, each alderman is himself in charge of a particular function. Thus the form of government in all four cities is in actual operation very similar to the commission plan under which legislative and administrative functions are vested in the same persons. None of the municipalities has adopted a civil service system or modern methods of budgeting and accounting. Harahan and Kenner, however, have planning commissions.

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<sup>34</sup> *Louisiana Revised Statutes*, Title 33, Sec. 381, hereinafter cited as *L.R.S.*



## School Boards

The parish is the territorial unit for the administration of public education in Louisiana, except for the cities of Bogalusa, Lake Charles and Monroe.<sup>35</sup> The public schools, however, are not under the control of the parish governing authority, but are administered by separate boards, which are popularly elected. In the New Orleans area, therefore, there are three school boards, each of which is responsible for the administration of the public school system in its parish, subject to control by the state department of education. The board in Orleans Parish is composed of five members who are elected at large; in Jefferson Parish, of seventeen members elected by wards, with each ward entitled to as many members as it formerly had police jurors; and in St. Bernard Parish, of one member from each of the seven wards.

## Special Districts

In addition to the units of government described above, there are in the metropolitan area a number of special districts which have been created by state law or constitution, or by the parishes in which they are located. Five of those established by the state are levee districts. They are the Orleans, Pontchartrain, Lafourche Basin, Lake Borgne, and Chalmette Back Levee districts, each of which is governed by a board of commissioners, the size of which varies from three to nine members. Appointments are by the governor for a four-year term. The Orleans Levee District includes all of Orleans Parish, and the Pontchartrain and Lafourche districts, the East and West Banks of Jefferson Parish respectively, as well as in each case all or parts of eight other parishes. The Lake Borgne and Chalmette districts, the former including parts of several parishes, overlap territorially in St. Bernard Parish, though their functions are not the same.<sup>36</sup>

There are two other districts which have been created by the state—the Jefferson and Plaquemines Drainage District and the Lake Pontchartrain Sanitary District. The former is governed by a five-man board, two members of which are named by the governor, two by Plaquemines and one by Jefferson Parish. The latter was created by a constitutional amendment of 1928, which provides for "a board of eleven members, one of whom shall be designated by the police jury of the Parish of St. Charles; one by the Reclamation District to be organized in St. Charles Parish; one by the police jury of the Parish of Jefferson; one by the Fourth Jefferson Drainage District; one by the Louisiana State Board of Health; two by the Sewerage and Water Board of New Orleans; one by the Commission Council of the City of New Orleans; two by the Board of Levee Commissioners, Orleans Levee District, and one by the Board of Port Commissioners of the Port of New Orleans."<sup>37</sup> The district has never been activated.

The special districts set up by the parish governments have all been in Jefferson and St. Bernard parishes. It is difficult to say how many of them have been created, particularly in Jefferson Parish. The project report prepared in 1958 for the president and members of the council of Jefferson Parish<sup>38</sup> listed twenty-one districts with independent boards. These included

<sup>35</sup> *Constitution*, Art. XII, Sec. 15.

<sup>36</sup> See Chapter III.

<sup>37</sup> *Constitution*, Art. XVI, Sec. 7 (c).

<sup>38</sup> This report, which was coordinated by Louis D. Brown, and released in mimeographed form, is in three parts. Part 1 is titled *Fact Book on Jefferson Parish Government*; Part 2, *Certain Aspects of Jefferson Parish's Finances*; and Part 3, *The Improvement of Governmental Administration in Jefferson Parish*.



four sewerage districts, two of which were divided into two sub-districts; nine community center and playground districts, of which five were inactive; five drainage districts, one of which was divided into two sub-districts and one was inactive; two public improvement districts, both of which were inactive; one hospital service district; and five waterworks districts. In addition, there were twenty-three other districts for which the police jury was the governing body. These included two road districts; four fire protection districts; thirteen road lighting districts, of which four were inactive; and four garbage districts, of which one was inactive. In St. Bernard Parish there are twelve special districts, of which six have independent boards and five are directly under the police jury. The former are sewerage and water districts; the latter are for road, road lighting, garbage and fire protection purposes.

District boards have either three or five members, all of whom are appointed by the police jury except in the case of waterworks districts, where two of the five members are appointed by the governor. If a petition is submitted by residents of the proposed district, both the governor and the police jury are required to name as members the persons on whose behalf it is presented. Sub-districts are under the governing authority of the district of which they are territorially a part.

In addition to the special district boards listed above, there are in both Jefferson and St. Bernard parishes independent boards with parish-wide authority. The former has a housing authority, for example, and the latter, a library board. Also, in cooperation with St. Tammany Parish, Jefferson has the Greater New Orleans Expressway Commission, and in cooperation with the city of Westwego, the Jefferson Parish Industrial Seaway Commission.

The Jefferson Parish charter of 1958 provided that "within six months from the date on which the Parish Council shall take office, the powers and functions of the governing bodies of the special districts whose boundaries are wholly within the boundaries of the parish shall be assumed and retained by the Council and the Parish President, . . . and the members of these governing bodies shall no longer hold office."<sup>39</sup> Before the expiration of this period, the council created five departments—recreation, roads and bridges, safety, sanitation, and water—and placed under them the activities of the various special districts. The independent boards were made advisory only, and their personnel became employees of the parish. Thus the number of governing bodies in the parish was reduced to six—the president and council of the parish, the school board, and the mayor and aldermen of the four municipalities.

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<sup>39</sup> Article 6.



## CHAPTER II

### LAND USE AND DEVELOPMENT

One of the most important functions of governments in metropolitan areas is planning and the enforcement of plans relating to the use and development of land and property. Of all the problems faced by urban governments, this is the one most likely to bring demands for a metropolitan solution rather than a solution based on separate action by each political subdivision. In its broadest sense, the planning function includes the comprehensive planning of all governmental programs. More narrowly conceived, it is limited to physical planning, including zoning, subdivision control, building regulations, public housing, and urban renewal and development. Except as planning agencies in the New Orleans area engage in planning beyond the concept of land use and development, the discussion in this chapter will be limited to the narrower notion of the function.

#### PLANNING AND ZONING

##### New Orleans

New Orleans, like other cities, has long engaged in certain types of planning activity. Nineteenth century examples include the planning of a system of parks and boulevards, undertaken prior to 1850, and of city-wide sewerage, water, and drainage facilities, beginning in 1894.<sup>1</sup> An effort was made to create an independent planning agency as early as 1908, but it was 1923 before such an agency was created by city ordinance. It was reorganized in 1927 as a result of a legislative act, and further changes were made in 1946, when the legislature enacted a more comprehensive enabling act.<sup>2</sup>

During the period from 1926 to 1931 a series of studies, including major streets, transit, recreation, and zoning, was undertaken for the planning commission by the engineering firm of Harland Bartholomew and Associates. As a result of these studies the commission council adopted a major street plan and zoning ordinance, and numerous improvements were introduced in the other functional areas studied. In spite of these ambitious beginnings, however, the planning commission tended to languish during the depression and war periods.

The legislation of 1946 revised the commission's powers and enabled it to adopt a comprehensive plan and to establish and administer subdivision regulations. In 1949 the commission again entered into a contract with the Bartholomew firm to conduct a second series of studies designed to assist in the development of a comprehensive plan for the city. The studies made included scope of the city plan, character of the city, population, major streets, land use, parking facilities, zoning, housing, transit facilities, transportation, school and recreation facilities, public buildings and lands, the city's appearance, capital expenditures, and administrative policy.<sup>3</sup> Approximately one-half of the recommendations have been incorporated, with modifications, into the city's master plan.

<sup>1</sup> See the discussion of the history of the latter functions in Chapter III.

<sup>2</sup> New Orleans City Planning Commission, *Report on Planning*, 1953-54, pp. 30-37.

<sup>3</sup> *Ibid*, pp. 34-37. See also Harland Bartholomew and Associates, *Scope of the Master Plan* (New Orleans, 1948).

The present legal basis for the planning commission is the act of 1946 and the New Orleans charter of 1954. The state act authorizes all municipalities to create planning commissions containing five to nine members, appointed by the mayor and removable by him for cause. The terms of members are five to nine years, depending on the number of members, and are staggered so that the mayor makes only one appointment a year. The authority is granted to such commissions to adopt a master plan and to regulate subdivisions.<sup>4</sup> They must also serve as the zoning commission for the city.

The New Orleans charter contains additional provisions. It fixes the number of members at nine, and provides for their appointment by the mayor with the consent of the council. It authorizes the commission to adopt a master plan for the development of the city, showing the general location, extent, and character of streets, bridges, waterways, and other public ways; parks and open spaces; public buildings and structures; public utilities and terminals; and public housing, slum clearance and redevelopment projects. In addition, it empowers the commission to adopt regulations governing the subdivision of land and to prepare and recommend to the council: (a) plans for street development; (b) the official map of the city; (c) a zoning plan; (d) plans for the clearance of slum areas, for public housing developments, and for the redevelopment of blighted areas; and (e) plans for the replanning, improvement, and reconstruction of neighborhood and community centers and of areas destroyed by disaster. The commission also has the responsibility of preparing the capital program and assisting the director of finance in the preparation of the capital budget.<sup>5</sup>

Administratively, the commission is given considerable independence within the executive branch. Although the mayor has the power to appoint commissioners, his control is limited because of their nine-year term and the limitations placed on their removal.<sup>6</sup> The commission also appoints its own director, who serves at its pleasure. In addition, the requirement that commissioners not hold other official positions, plus the stipulation that they are to receive no compensation, is supposed to give the agency a nonpartisan status, free of political taint. Almost without exception, however, commissioners have been in sympathy with the mayor's political faction at the time of their appointment.

The commission is, as in the case of all such boards, responsible for all policy decisions. It functions through a number of committees, which are set up on functional lines. The director-secretary, who is the chief executive officer of the commission, and the chief planner are always present at commission meetings. Other personnel directly concerned with a problem to be considered also attend meetings from time to time.

The director-secretary is responsible for the overall operation of the commission and for the execution of all decisions made by it.<sup>7</sup> The director who resigned recently to become a private planning consultant served more than eight years after a fourteen-year apprenticeship in the agency. Any discussion

<sup>4</sup> L.R.S., Title 33, Sec. 106.

<sup>5</sup> *Home Rule Charter*, Art. V, Ch. 5.

<sup>6</sup> The appointing authority may remove commissioners after a public hearing only for inefficiency, neglect of duty or malfeasance in office. L.R.S., Title 33, Sec. 103. Occupationally, commission members have represented a small range of activity. Most members have been in finance, real estate, contracting, or the law.

<sup>7</sup> *Functional Organization Chart, New Orleans City Planning Commission*, August 9, 1957.

of planning in the New Orleans area during his term of office began with his name regardless of whether the discussants were in the city, outlying areas, or elsewhere in the state. Apparently his predecessor was equally respected.

Functionally, the staff is divided into two divisions—planning and administration, each subordinate to the director, assistant director, and planning supervisor. The planning division is responsible for long-range comprehensive planning. The administrative division, on the other hand, performs the management functions and, in addition, is responsible for handling current projects, processing subdivision and zoning petitions, and preparing the capital program. As a result, its work is sometimes called current planning.

In order to secure acceptance of its comprehensive planning programs, the commission has created two advisory committees. The more important and more permanent of these has been the planning advisory committee. Although it is an unofficial and informal body, the committee includes in its membership city, state, and even federal officials, as well as representation from private organizations.<sup>8</sup> It is especially useful in resolving differences among affected agencies in cases in which the planning commission's powers are only advisory. Attendance at meetings usually includes only those officials involved in the problem at hand. As far as can be determined, this committee has proved satisfactory from the standpoint of both the planners and the operating agencies.

The second body was temporary in nature. During the period in which the planning commission was processing its most recent comprehensive plan, a citizens' planning committee was created in order to obtain public support for the program. An attempt was made to secure as members a representative cross section of influential citizens. With the adoption of a substantial portion of the plan, the committee ceased to function.

The activities of the planning commission may be roughly divided into two parts: those in which its action involves formal policy making or administration, and those in which its action is only advisory.<sup>9</sup> Under the first of these categories, the most important function is the formulation of a master plan. The procedure for adoption of a master plan, or parts of it, involves initiation by the staff of the planning division, assisted from time to time by consultants, study by the commission itself, submission to the public at duly advertised hearings, and final approval by the commission. A similar procedure is also followed in amending or revising the plan.<sup>10</sup>

<sup>8</sup> The 1955-56 annual report of the planning commission listed individuals from the following organizations as members of the planning advisory committee: Board of Health, Board of Port Commissioners, Department of Finance, Department of Highways of the State of Louisiana, Department of Property Management, Department of Recreation, Department of Safety and Permits, Department of Sanitation, Department of Streets, Department of Utilities, Department of Welfare, Federal Housing Authority, Fire Department, New Orleans Housing Authority, Law Department, Mississippi River Bridge Authority, Civil Service Commission, Public Belt Railroad, New Orleans Public Service Inc., New Orleans Railroad Terminal Board, Orleans Parish Levee Board, Orleans Parish School Board, Police Department, Sewerage and Water Board and the Veterans Administration.

<sup>9</sup> This distinction is one which is made by planning commission officials. It is possible that in practice the commission is more influential in its advisory capacity than in its formal policy making role. The distinction may be a matter of semantics, particularly with respect to the master plan, since a plan is by nature only a proposal, and the agency paying the preponderance of the cost, or the council in the event that public money is not involved, may overrule the commission by a vote of two-thirds of its members. *Home Rule Charter*, Art. IV, Ch. 5.

<sup>10</sup> Harland Bartholomew and Associates, *Scope of the Master Plan*, p. 2.



Regulations governing the subdivision of land represent the second policy area within the purview of the commission. The present subdivision regulations were adopted in 1950 after almost three and a half years of study. Preliminary deliberations were handled by the commission's executive committee with the technical assistance of Harland Bartholomew and Associates. During this period consultations were conducted with officials of the Sewerage and Water Board, the city engineer's office, the traffic engineering division, and the board of health. In September, 1949 a tentative text was approved by the committee, a public hearing was held the following month, and the commission approved the regulations in final form four months later.<sup>11</sup> Enforcement of the regulations is a responsibility of the administrative division of the planning commission, which in its first six years processed over 1600 subdivision requests.<sup>12</sup>

Among the advisory functions of the planning commission, its role in connection with the capital improvement program is perhaps of greatest importance. Operating agencies of the city, including the independent agencies, submit annually to the planning commission their requests for improvement items for the next five-year period. Processing and consultation are handled as functions of current planning in the administrative division. After approval of a program it is submitted to the mayor, and forms the basis for the capital budget. Planning commission personnel are consulted throughout this process, and any differences in the actual capital budget from the original planning commission program must be presented to the council so that it may intelligently approve a program. If the council chooses to amend the program, it must request through the mayor the recommendations of the planning commission as to the proposed amendments. The council is not bound, however, by such recommendations and, if it has not received them within fifteen days, it may act without them.<sup>13</sup> Using the city's master plan as its guidepost in the capital program, the planning commission gives advice but has no final power except insofar as the mayor, the chief administrative officer and councilmen are willing to accept its advice.

An advisory function of the commission which is of interest to many private individuals is the preparation of, and changes in, the zoning plan for the city. Comprehensive zoning ordinances have twice been adopted on the basis of plans submitted by the planning commission—in 1929 and again in 1953. The present zoning plan and ordinance are based on studies by Harland Bartholomew and Associates and were derived from a land use plan adopted by the commission.

Changes in the basic zoning plan may be made by the council. In addition, they may be initiated on petition of the owners of 50 per cent or more of the land affected. Procedurally, petitions are submitted to the planning commission, which holds hearings and recommends action to the council. Planning commission officials say that recommendations of the commission are not determined primarily by the number of property owners on either side of the question, but by the relationship of the petition to the land use plan. Final action is taken by the council which, although not compelled to adhere

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<sup>11</sup> New Orleans City Planning Commission, *Subdivision Regulations* (1950), pp. VII-VIII.

<sup>12</sup> New Orleans City Planning Commission, *Report on Planning*, 1955-56, p. 24.

<sup>13</sup> New Orleans City Planning Commission, *Report on Planning*, 1953-54, pp. 25-27.

to planning commission recommendations, must not act until it receives the recommendations or has waited forty-five days from the date of the public hearing on the proposed changes.<sup>14</sup>

Another advisory function of the planning commission is to recommend to the council plans for public housing developments, the rehabilitation or redevelopment of blighted areas, and the clearance of slum areas. These functions are discussed later in the present chapter. Finally, the planning commission is called upon from time to time to prepare special studies for the mayor and council, to conduct research needed by more than one operating department, and to assist in putting the comprehensive plan into effect.<sup>15</sup>

The New Orleans Planning Commission, perhaps more than any other city agency except finance and personnel, is called upon to deal extensively with all of the agencies of the city government. Because of the metropolitan character of the planning function it also has to maintain fairly extensive relationships with the units of government adjacent to the city. In both types of relationship the greatest weapon of the commission is persuasion. In the case of city agencies, persuasion is essential because of the advisory nature of much of the commission's work. In this area the planning advisory committee has apparently served an extremely useful purpose.

A legislative act of 1956 authorizes the creation of metropolitan planning commissions, but no action has been taken in the New Orleans area. The city planning commission has encountered difficulties with Jefferson and St. Bernard parishes at various times in the past, and it is doubtful if a metropolitan commission will be created within the foreseeable future. This conclusion is based not only on the lack of political stability in the parishes but also on the fear on the part of parish leaders that such an organization would be dominated by the city. The nature of the difficulties can be illustrated by a controversy between the city and Jefferson Parish which resulted from the construction of an overpass by the city in an area adjacent to the parish.

Shortly after the conclusion of World War II the city of New Orleans embarked upon a vast grade separation program to rectify the hazards and bottlenecks of surface railroad crossings.<sup>16</sup> The program was primarily an undertaking of the Railroad Terminal Board, the Department of Streets, and the planning commission. Among the more important projects in the program was the Palmetto Overpass, which was designed to cross Airline Highway and the railroad tracks adjacent to it, and to carry traffic from Carrollton Avenue to Airline Highway and Metairie in Jefferson Parish. When the two million dollar project was completed in 1954, it solved the Airline Highway and railroad track problems, but at the same time created a new traffic bottleneck. Palmetto Street "deadended" near the end of the overpass, which compelled Metairie-bound traffic to detour over blacktopped streets into Palm Street, an old and inadequate traffic artery. At the time of the completion of the overpass no specific plans had been agreed upon between the city and Jefferson Parish for the purpose of correcting the situation.

The problem was complicated by the fact that Metairie-bound traffic had to move through residential streets regardless of the action that was taken to break the bottleneck. The residents of Palm-Air, a New Orleans subdivision through which much of the traffic was passing, protested. The city

<sup>14</sup> *Comprehensive Zoning Ordinance of the City of New Orleans*, Art. 32, Secs. 1-2.

<sup>15</sup> New Orleans City Planning Commission, *Report on Planning*, 1953-54, p. 29.

<sup>16</sup> This program is discussed in Chapter X.

yielded to this protest and proposed a remedial solution which the residents of Metairie Club Gardens protested. Jefferson Parish then proposed a solution which would have carried traffic along Bamboo Road. Residents of this street protested. The city worked out a solution which involved the construction of two bridges and the paving of several streets. In constructing one of the bridges, however, the city created two blockades which interfered with the movement of traffic into Bamboo Road. Jefferson Parish countered by making Bamboo Road one-way for traffic leaving the city. This action deprived residents of the street of access to their own homes.

As a result, several homeowners sought relief in the federal district court on the ground that the action of Jefferson Parish deprived them of property rights guaranteed by the fourteenth amendment. Following the granting of a ten-day restraining order, the judge served as mediator in a conference between representatives of the city and the parish. The result was a compromise agreement which required both parties to make some concessions and spend additional sums for street paving and bridge construction. The city built and paid for one bridge which was entirely in Jefferson Parish.

The controversy between the two governments had dragged on for almost three years. City officials who were involved claimed that they had written Jefferson Parish officials on numerous occasions. The latter, in turn, alleged that they had been totally ignored. There were several meetings but none produced any agreement.

In spite of the almost total lack of planning in the case, there has been some cooperation between the two parishes. Individuals and groups in both Jefferson and St. Bernard parishes who are interested in planning have called on the New Orleans Planning Commission for assistance, and it has been rendered free of charge. There have also been several occasions when the mayor, the Jefferson Parish president and the president of the St. Bernard police jury have met to discuss common problems. To date, however, these meetings have not produced any tangible results.

### Jefferson Parish

Acting under authority of a constitutional amendment of 1954, the Jefferson Parish governing authority created a combined planning and zoning commission. Since it was given no staff, the commission engaged the services of a construction engineering firm to make a traffic survey and a survey of natural resources and to prepare population and population density maps, a land use map, a major street plan, automobile parking recommendations, subdivision regulations, and a zoning map and ordinance.<sup>17</sup> Its major accomplishments were a land use study, a street inventory, a traffic volume study, a major street plan, a zoning ordinance and an economic report called *Shape of the Future*. On the basis of these studies a major street ordinance and a planning and zoning ordinance have been adopted.

Following the adoption of the new charter in 1958, the planning agency was reorganized. As provided in the charter, a planning department was created with a director appointed by the parish president. The department has full authority to perform the planning function, and is no longer relying on outside consultants. There is also a planning advisory board, consisting of five members appointed for staggered terms of five years each. Four of them are appointed by the council, and the fifth, by the parish president.

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<sup>17</sup> Memorandum issued by Palmer and Baker Engineering Company, planning consultants.



### Jefferson Parish Municipalities

Louisiana's municipalities are empowered to establish planning commissions which are authorized to adopt a comprehensive plan, to establish subdivision regulations, and to improve unimproved streets. They are also required to serve as zoning commissions.<sup>18</sup> Under federal law the Federal Housing and Home Finance Administration is authorized to make planning grants, totalling up to 50 per cent of the total cost, to state planning agencies to be used in small cities. As administered in Louisiana, municipalities with less than 25,000 population may request assistance from the state Department of Public Works, which furnishes a list of consultants from which the municipality may choose and provides 25 per cent of the project cost, in addition to the federal portion.

Two cities in Jefferson Parish, Kenner and Harahan, have established planning commissions, both of which have availed themselves of state and federal aid. Kenner established a nine-member commission in 1951, which was later reduced to five. Its first four years of existence represented a period of almost complete inactivity. In 1955, however, with state and federal assistance, the firm of Dan Martin and Associates was hired to prepare reports on a number of components of a major plan. During the next two years a land use survey and zoning ordinance, lot and block maps, an annexation study, a major street plan, subdivision regulations, and a street and property naming plan were prepared. On the recommendation of the planning consultants, the planning commission has approved a zoning ordinance, major street plan, and an annexation plan. The zoning ordinance has been adopted by the council. Additional studies now being made include a harbor development study, a housing and rehabilitation plan, and a recreation plan. As in the case of earlier studies, they are being paid for by state and federal money, as well as by local funds.

Harahan established a nine-member planning commission in 1955, which has since used the consulting services of William Singleton of Baton Rouge. A zoning ordinance has been adopted, and in progress are a major street plan, and studies relating to subdivision regulation and a minimum housing ordinance. The other two cities in Jefferson Parish, Gretna and Westwego, have not established planning commissions, although there is some interest in both cities in doing so.

### St. Bernard Parish

Under state law, parishes may establish planning commissions and develop a comprehensive plan, but they have no authority to zone.<sup>19</sup> St. Bernard Parish has taken no official action to establish such a commission, however. Kaiser Aluminum Company, the largest employer in the parish, has sponsored several conferences between parish officials and planners from California. There have also been some conferences between officials of the New Orleans Planning Commission and citizen groups, but so far no affirmative action has been forthcoming.

### ZONING AND BUILDING CODE ENFORCEMENT

#### New Orleans

The task of enforcing the zoning ordinance, as well as the building code, is entrusted in New Orleans to the division of regulatory inspection, of the Department of Safety and Permits. The division was originally created in 1946

<sup>18</sup> L.R.S., Title 33, Secs. 101-119.

<sup>19</sup> L.R.S., Title 33, Secs. 101-119. The exceptions are Jefferson and East Baton Rouge parishes.

to consolidate and coordinate the inspection activities of numerous city agencies concerned with the issuance of building permits.

As presently constituted, the division has four operating sections—building inspection, electrical inspection, mechanical inspection, and plan processing. The first of these is responsible for the enforcement of the zoning law. It is also charged with the duty of enforcing assigned articles of the building code; examining plans and applications for permits and certificates of investigation and compliance authorizing use and occupancy; investigating building materials and methods of construction; making inspections and investigations; issuing permits and certificates of compliance and completion of work; and preparing affidavits and court cases involving alleged non-compliance.<sup>20</sup>

In the performance of his function of enforcing both the building code and the zoning ordinance, the building inspector is assisted by a coordinator of building regulations, who is housed in the offices of the Department of Safety and Permits. The function of the coordinator is to establish a clearance system with all the agencies involved in issuing building permits so as to reduce the burden placed upon the individual seeking a permit.<sup>21</sup>

As stated earlier in the present chapter, one comprehensive zoning ordinance revision has taken place since the adoption of the first ordinance in 1929. In contrast, there have been two complete revisions of the building code. The first comprehensive building code was enacted in 1924, under the direction of an advisory committee representing numerous civic and commercial interests. Some amendments were made periodically until a new committee was established in 1940, and a code based on the West Coast Uniform Building Code of that year was enacted in 1942. Again in 1946, with the advent of a new city administration, there was a demand for a new code. The mayor requested the citizens' committee on housing to undertake the task and it appointed a subcommittee to develop a draft code.<sup>22</sup> The committee then submitted its recommendations to the commission council which appointed a special board to hold public hearings. The code was finally adopted in 1947.

<sup>20</sup> *Function, Position, and Organization Chart of Division of Regulatory Inspection*, August 15, 1956. The job descriptions for the other three sections are as follows. The electrical inspection section inspects newly installed and altered electrical wiring, fixtures, signs, apparatus, etc., and issues electricians' licenses on authorization of the board of electrical examiners, which is attached to the Department of Safety and Permits. The mechanical inspection section inspects smoke stacks, gas flues, vents, furnaces, incinerators, boilers, pressure vessels, elevators, air conditioning plants and numerous other mechanical devices. It also issues licenses authorized by the board of mechanical examiners, which like the board of electrical examiners is attached to the division of regulatory inspection. The plan processing section examines and processes plans and specifications to determine compliance with the comprehensive zoning law, the building code and related regulations.

<sup>21</sup> The agencies which may be involved, depending upon the type of permit, are the City Planning Commission, the Board of Health, the divisions of electrical, mechanical, housing, and building inspection of the Department of Safety and Permits, the Department of Streets, the Department of Utilities, the fire prevention division of the Fire Department, the Sewerage and Water Board, the State Fire Marshal, the Vieux Carre Commission, the State Licensing Board for Contractors, and the occupational license division of the Department of Finance.

<sup>22</sup> The associations represented were the Louisiana Architects Association, the New Orleans Chapters of the Associated General Contractors of America, the National Association of Home Builders, the American Institute of Architects, the Delta Society of Safety Engineers, the American Society of Civil Engineers, the Louisiana Rating and Fire Prevention Bureau, the American Institute of Electrical Engineers, the American Society of Heating and Ventilating Engineers, and the American Society of Refrigerating Engineers.



To remedy hardships and "miscarriages of justice" resulting from the enforcement of the zoning ordinance and the building code, provision has been made for the creation of appeals bodies, known as the board of zoning adjustments and the board of building standards and appeals.

The board of zoning adjustments was created in 1929 with the passage of the first comprehensive zoning ordinance.<sup>23</sup> The board is empowered to hear and decide appeals where error is alleged in any order, decision or determination made by an administrative official in the enforcement of the zoning ordinance. It is also empowered to hear appeals where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, and to vary or modify the application of any of the regulations or provisions of the ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. In carrying out its authority the board may set aside partially or entirely the action of the administrative agency, and in so doing effect variations in the zoning ordinance. Decisions require the approval of four of the five board members.<sup>24</sup>

Although the board is attached to the Department of Safety and Permits, it retains complete autonomy in its operations.<sup>25</sup> The members, who are appointed by the mayor for staggered terms of five years, are required to be real property owners and taxpayers. In practice there has been an unusual continuity of membership. Two of the present incumbents have served since the board was established, and the other three have each served more than twelve years.<sup>26</sup>

This lack of change was recently criticized by the budget analysis and research staff of the city council. It charged that present board members have served too long. "When board members are consistently reappointed, this denies many good citizens the opportunity to serve and understand their local government. It also deprives the government of the opportunity to acquire new talent and fresh ideas." Of more significance was the charge that in practice the board had deviated widely from the standard of hardship or unusual difficulty and had decided cases on very generalized conceptions of the general welfare.<sup>27</sup>

Although the statistics provide no conclusive evidence as to the validity of these allegations, they are nevertheless worthy of note. In the period from 1946 to 1956, over 4300 appeals were brought to the board, of which almost two-thirds were in the last four years. According to some sources, this huge increase is due, at least in part, to the anticipation of sympathetic treatment by the board. In 1954, for example, only fifty-six appeals were denied in their entirety. In 1955 there were thirty-five denials, and in 1956, thirty-seven. The total represents less than 6 per cent of the appeals made.

Any aggrieved citizen, applicants denied requests, or citizens affected by the granting of variances may file an appeal from the board to the civil district

<sup>23</sup> Harland Bartholomew and Associates, *The Master Plan for New Orleans: A Preliminary Report: Land Use and Zoning* (New Orleans, 1952), p. 1.

<sup>24</sup> City of New Orleans, *Comprehensive Zoning Ordinance*, 1953, as amended, pp. 53-55.

<sup>25</sup> The budget, however, must be countersigned by the director of the Department of Safety and Permits.

<sup>26</sup> Budget Analysis and Research Staff, City Council of New Orleans, *Zoning Board of Adjustments*, 1957, p. 1.

<sup>27</sup> *Ibid.*, p. 4.

court for a writ of certiorari. In the period from 1950 to 1957, however, there were only twenty appeals from board decisions, seven of which were by citizens denied variances, and thirteen, by citizens affected by variances granted.

For nearly half a century there has been an appeal board to handle grievances arising from building code enforcement rulings made by administrative agencies. Under the present charter the agency is called the board of standards and appeals. It is the duty of this board to hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the division of regulatory inspection in enforcing the building code. It is also called upon to hear appeals in hardship cases and to interpret the code for the benefit of the division of regulatory inspection.<sup>28</sup> In exercising its powers the board has freedom of action similar to the board of zoning adjustments. Therefore, in granting variances it may effectively alter the building code. In practice there are comparatively few appeals filed—less than 200 from 1951 to 1956.

The board itself consists of five members appointed by the mayor with the approval of the council. One appointee must be a registered Louisiana architect; one, a licensed contractor; one, a member of the Louisiana Rating and Fire Prevention Bureau, and one, a professional electrical or mechanical engineer. The terms, which are staggered, are for five years, and members may only be removed for cause.<sup>29</sup> As in the case of the board of zoning adjustment, the board of standards and appeals is attached to the Department of Safety and Permits but is not an integral part of it.

A special situation with respect to enforcement of the zoning ordinance and building code exists in that part of the city known as the Vieux Carré, or French Quarter. This is the area which was first settled in the colonial period and in which a special effort has been made in recent years to preserve its quaint architectural design. It appeared in the early part of the present century that the old architectural pattern of the area, as well as its basic appearance, would be completely changed by the erection of commercial and industrial establishments within the area. To prevent this change an ordinance was passed in 1925, creating a Vieux Carré Commission for the purpose of preserving those structures in the area, which were deemed of architectural and historical value, against the encroachments of modern business.<sup>30</sup>

The original commission had no enforcement powers, being restricted to making recommendations to the commission council. Its powers were augmented in 1936, however, through the adoption of a constitutional amendment which required all applications for building permits in the area to be submitted to it and reported on to the commission council.<sup>31</sup> Subsequent ordinances have altered the earlier procedures of the commission and have given it authority to establish specifications and requirements for outdoor display signs.<sup>32</sup>

The commission, as presently constituted, is composed of nine members appointed by the mayor with the consent of the council for terms of four years. In appointing members the mayor must choose one from a list of two persons recommended by the Louisiana Historical Society; one, from a list of two recom-

<sup>28</sup> *New Orleans Building Code and Related Regulations* (1948), Articles 401-402.

<sup>29</sup> *Ibid.*, Art. 401.

<sup>30</sup> *Board and Commission Reports*, *op. cit.*, No. 110.

<sup>31</sup> *Constitution*, Art. XIV, Sec. 22A.

<sup>32</sup> *Code of the City of New Orleans*, 1956, Ch. 65.

mended by the curators of the Louisiana State Museum; one, from a list of two recommended by the Association of Commerce; three, from a list of six architects recommended by the New Orleans chapter of the American Institute of Architects; and three at large.<sup>33</sup>

The commission works through committees, but apparently the only committee of real importance has been the architectural committee. Its administrative work is handled by a director-architect, an assistant to the director, and a secretary. The last two are under the city civil service system.

The principal function of the Vieux Carré Commission is to pass on all applications for permits either for new buildings or for alterations or additions to existing buildings insofar as they relate to appearance, color, texture of materials, and architectural design. The commission does not have power to issue building permits, but only to make recommendations to the division of regulatory inspection. The latter can then issue or refuse to issue a permit on the basis of either Vieux Carré or general building permit policy.<sup>34</sup>

Recourse to the city council can be had under certain circumstances. If the applicant for a permit refuses to accept alterations recommended by the Vieux Carré Commission, if the commission disapproves the permit in its entirety, or if the director of the division of regulatory inspection finds that the commission recommendations are not in keeping with code provisions, the director is required to submit the matter to the city council for its disposition.<sup>35</sup>

There is also the right of appeal to the courts when a building permit is refused. In a recent case the Louisiana Supreme Court denied authority to the commission and the city to compel the proprietor of a restaurant to remove a plastic roof in the courtyard of a Vieux Carré restaurant. The court held that so many nonconforming alterations of buildings had been permitted through the years that the effect of this denial was discriminatory.<sup>36</sup> Members of the Vieux Carré Commission conceded that variations had been permitted, but they pointed out that none had occurred in the previous twelve years. As a result of this decision, the future efforts of the commission to preserve "the quaint and distinctive character of the Vieux Carré section" may be seriously impaired.<sup>37</sup>

Enforcement of the special building requirements in the French Quarter involves more than vigor on the part of the Vieux Carré Commission.<sup>38</sup> It also requires police and related agency support. From time to time the commission and its supporters have charged that neither the police department nor the city attorney's office has been as vigorous in enforcing these requirements as was desirable. On the other hand, city officials concerned with urban rehabilitation and slum prevention are reluctant to embark on any program in the

<sup>33</sup> *Constitution*, Art. XIV, Sec. 22A.

<sup>34</sup> *Code of the City of New Orleans*, 1956, Chapter 65, Section 9.

<sup>35</sup> *Board and Commission Reports*, *op. cit.*, No. 110.

<sup>36</sup> *New Orleans Item*, June 11, 1957. See *City of New Orleans v. Levy*, 98 So. 2nd, 210 (1957).

<sup>37</sup> *The Times-Picayune*, June 15, 1957.

<sup>38</sup> It should be pointed out that the state constitution grants to the Vieux Carré Commission authority in two other matters, but in neither case have effectuating ordinances been enacted. The first authorizes exemption from city taxes of those buildings designated by the commission as having historical or architectural value, if their owners contract not to alter the buildings in any way without commission approval. The second authorizes the commission to recommend to the city council the acquisition of such buildings either by purchase or expropriation. *Constitution*, Art. XXIV, Sec. 22A.



Quarter because of concern about support from the commission. Vieux Carré Commission support is essential because of the provision in the minimum housing code which resolves differences between the housing improvement division and the commission in favor of the latter.

### Jefferson Parish

Under the Jefferson Parish zoning ordinance responsibility for enforcement is placed in the hands of the department of regulatory inspections. The director of regulatory inspections is required to create the office of deputy building inspector-zoning and appoint as its head a zoning administrator. The latter is given the authority to administer the provisions of the zoning ordinance, and specifically to (1) issue certificates of use or occupancy for all uses listed as permitted in the ordinance, and to deny such certificates as do not conform; (2) issue, on approval by the planning and zoning department, certificates for uses listed as conditional in the ordinance; and (3) provide technical and clerical assistance to the board of zoning adjustments.<sup>39</sup>

Appeals from zoning ordinance enforcement decisions may be taken to the board of zoning adjustments. This board is a five-member body appointed for staggered terms by the parish president with the approval of the council. Members are required to be resident real estate property owners and qualified voters. Removal is for cause. The board has power to hear and decide appeals where it is alleged that there is error of law in any order, requirement, decision, or determination by the director of regulatory inspections. In addition, the board is authorized to grant exceptions and variances under specified circumstances. Anyone aggrieved by a decision of the board may within thirty days petition for a writ of certiorari for such relief as is permitted under the laws of the state.<sup>40</sup>

The Jefferson Parish zoning ordinance applies only to the unincorporated areas of the parish. The cities of Kenner and Harahan have therefore not only adopted separate zoning ordinances but have also provided for their enforcement. In both cities enforcement is placed in the hands of a building inspector, who in issuing permits must see to it that the zoning ordinance has been adhered to. Both Kenner and Harahan have established five-member boards of zoning adjustments to decide when variations shall be permitted.

Jefferson Parish has had a building code since 1952. A state law of that year authorized the parish to formulate a code to include all areas which are not municipally incorporated. A citizen committee was appointed, which recommended the adoption of the New Orleans code almost verbatim. It was reasoned that the New Orleans code was one of the best available and that builders working in New Orleans also work in Jefferson Parish. The police jury adopted the code in December, 1952 and it went into effect the following month.<sup>41</sup>

Enforcement of the code is placed in the hands of the director of regulatory inspections, who is appointed by the parish governing authority. In addition to basic enforcement authority in the form of issuance of permits, the director is required to report periodically to the governing authority of the parish on the preceding year's work and propose amendments to the code. The department is divided into a number of units including building inspection,

<sup>39</sup> *Comprehensive Zoning Ordinance for the Unincorporated Areas of the Parish of Jefferson*, pp. 52-53.

<sup>40</sup> *Ibid.*, p. 56.

<sup>41</sup> *Building Code and Related Regulations of the Parish of Jefferson*, 1952.

electrical, mechanical, and plumbing sections. There is no boiler inspection, this function being handled by the insurance companies on a commission basis. There are approximately forty employees. Although most of them are located on the more populous East Bank, three small offices are maintained at various points on the West Bank.

Appeals from building code enforcement decisions are handled by the board of regulatory inspections. The nature and composition of the board, as well as its powers and procedures, are very similar to its New Orleans counterpart. In its first four and one-half years of operation few appeals were successful, and no appeal from the board to the district court succeeded.

Although all four municipalities in Jefferson Parish require building permits, only Gretna has adopted a comprehensive building code. In Gretna, Westwego and Kenner, building permits are issued by a building inspector, who is paid on a fee basis. Harahan, however, has contracted for the services of the parish department of regulatory inspections in the issuance of permits.

### St. Bernard Parish

No zoning ordinance has ever been adopted in St. Bernard Parish. Here the only area in which the parish exercises any authority is in the granting of building permits, which are issued by the parish engineer. Where septic tanks are to be used, the approval of the parish health unit must be secured. Commercial establishments must obtain clearance from the fire department. In new subdivisions the engineer issues permits on the basis of compliance with industry-developed codes. Where construction involves an individual dwelling, no inspection is made except on complaint of a third party. Efforts have been made recently to develop a formal building code but they have not yet been successful.

## PUBLIC HOUSING

### New Orleans

The earliest efforts to promote public housing in New Orleans were made in 1929. At that time a survey for the Institute of Social and Religious Research emphasized the crowded and unsanitary conditions which prevailed in Negro slums. A New Orleans architect prepared a preliminary plan and cost estimate and submitted it to the Julius Rosenwald Foundation. Although the Foundation and a number of important local citizens were interested, action was delayed by the depression.<sup>42</sup>

In 1933 the New Orleans Council of Social Agencies set up a committee to promote two housing projects—one for whites and one for Negroes. A group of architects was appointed to work on the former and the architect who had developed the 1929 plan was asked to work on the Negro project.<sup>43</sup> Several months later the federal Public Works Administration appointed a local advisory committee, which promoted a broad housing program to meet the city's needs. It developed plans to the point of contract signature, but at that point the federal program was temporarily suspended.<sup>44</sup>

The sponsors of public housing were unwilling to wait for further federal action, and so promoted the passage of a state law in 1936. This law authorized the creation of a municipal housing authority in every city

<sup>42</sup> *Annual Report of the Housing Authority of New Orleans, 1937-38*, (Mimeographed), p. 2.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*



of the state having a population of more than 20,000. Activation of the authority was to be determined by local action. In New Orleans a petition signed by the required twenty-five citizens was submitted to the commission council shortly after the act went into effect. The council then authorized the mayor to appoint the members of the authority and the mayor acted in March, 1937.<sup>45</sup> Within less than two years loan contracts were signed with the Federal Housing Authority covering 4881 dwelling units and involving an expenditure of approximately \$30,000,000.<sup>46</sup> In subsequent years the number of units developed and operated by the Housing Authority of New Orleans (HANO) has more than doubled.

The governing body of HANO is a board of five members, appointed by the mayor with the consent of the council for staggered five-year terms.<sup>47</sup> In its more than twenty years of operation board membership has consisted almost exclusively of persons with commercial, industrial, or financial connections, thus giving the agency an aura of "respectability." In a number of instances board members have also been associated with charitable or welfare organizations. However, there has never been representation on the board of labor unions, racial minorities, or the professional staff of welfare agencies. It might be added that the city itself has never been formally represented on the board. The five-year term of office enables members to gain a substantial "feel" of the agency's affairs and, since a number of members have been reappointed, continuity of policy has been encouraged. There has also been a relatively low turnover among employees.

Administratively, the authority is headed by an executive director, who is chosen by the board. In addition, it employs an attorney as its legal counsel. All employees are under the state civil service system.

On the operational level probably the most important division is that of public and tenant relations. Headed by a tenant relations advisor, this department comprises tenant relations, tenant selection, community relations, project services, publicity, and public relations. All functions dealing with the community as a whole, as well as those dealing with tenants and applicants, are thus consolidated.

The technical and maintenance department is concerned with the details of construction and maintenance of the projects. With respect to construction, this department estimates costs, prepares construction budgets, requisitions funds, approves construction activities, and consults with architects, contractors, engineers and city officials concerning the planning and design of future projects. The maintenance function also involves inspection of all of HANO's dwelling units and equipment to determine their physical condition and estimate the repair needed. In addition, the department instructs maintenance personnel on procedures, prepares plans for large scale work, and compiles records and reports related to maintenance activities.

The final operating unit is the management division, which handles the actual day-to-day operations of the housing projects, including rent collection and collection of other charges. Staff and auxiliary functions are handled by the administrative and accounting departments and by the budget officer. The budget is subject to review by the Federal Public Housing Authority, which has numerous regulations governing the activities of housing authorities as necessary prerequisites for federal funds.

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<sup>45</sup> *Ibid.*, p. 3.

<sup>46</sup> *Ibid.*, p. 7.

<sup>47</sup> *L.R.S.*, Title 40, Sec. 401.

Although the housing authority seems to be entirely independent of the government of the city of New Orleans, this is in fact not true. Sites for the construction of new units require municipal approval. In addition, agreements must be reached with the Sewerage and Water Board and New Orleans Public Service, Inc. for the installation of water, gas and electricity. Furthermore, the tenant relations department is constantly in contact with recreation, health, school, library, and other local agencies. The authority is also frequently compelled to bow to local demands. An example occurred shortly after World War II, when opinion within the authority favored expansion of the number of public housing units because of the hiatus in construction during the war. However, the building trades industry and those generally opposed to public housing offered strong and effective opposition. Recognizing the strength of its opposition, the authority began to place great emphasis on the business-like manner of its operation, as well as its disinterest in competing with private enterprise.<sup>48</sup> Although the program was eventually adopted, its success was apparently due in no small measure to the emphasis placed by HANO on the business character of its operations.

A different type of public housing facility in New Orleans is the Upper Pontalba Building operated by the Upper Pontalba Building Commission. This housing facility is not operated to provide low rent housing but rather to preserve an historic building in the Vieux Carré. The building was erected by Baroness Pontalba in the period between 1846 and 1849 by slave labor.<sup>49</sup> In its early years it served as the home of many of New Orleans most prominent families and is reported to have been the first apartment dwelling in the United States.

The building was sold to the Pontalba Building Museum Association, Inc. in 1930, which purchased it with the sole purpose of donating it to the city. In acquiring the structure the city assumed the burden of paying off two mortgages, totalling \$214,000. By an ordinance of 1930 the mayor was empowered to create a commission of three to thirty-three citizens to administer the affairs of the building until such time as the debt was paid off. Nine persons were appointed at the outset, but the number was subsequently increased to ten.

The bonded indebtedness remained unchanged until 1948. In 1949 the debt was refinanced, and the bonds are presently being retired at a rate which will completely pay off indebtedness in 1965. The disposition of the building at that time is in doubt. It could be turned over to the Department of Property Management for purposes of administration, or, because of its unique historical significance, retained under the management of an independent board.

At present the building is maintained by the Upper Pontalba Building Commission except that, where major repairs are involved, the Department of Property Management performs the work at the expense of the commission. The staff includes an executive secretary, a part-time assistant, a painter, a maintenance man, and one custodian.

Facilities include space for two commercial establishments and sixty-three apartments. The rentals range from \$35 and \$45 per month for one-room apartments to \$225 for one of the commercial tenants. Many of the apartments rent from \$80 to \$100 per month.

<sup>48</sup> See the annual reports of the housing authority during the early post-war period, as well as press statements by authority officials and their adversaries.

<sup>49</sup> See *Board and Commission Reports, op. cit.*, No. 109.

## Jefferson Parish

Outside the city the only other activity in the area in the public housing field has been in Jefferson Parish. Although much of the parish is newly developed there are a number of areas with substandard dwelling units. In 1952 the police jury activated a housing authority under permissive state legislation. The authority met regularly for a time and drew up a plan for the construction of low-cost housing facilities. Under the proposal occupants who proved "responsible and a good risk" would gain title to the property after three years, with the rent paid during that time serving as a down payment. The plan was submitted to the Public Housing Administration in Washington, but was not approved.

## URBAN RENEWAL, REDEVELOPMENT AND REHABILITATION

### New Orleans

One of the most controversial areas of public policy in New Orleans since World War II has been urban renewal and the redevelopment of slum areas. Like every other old city, New Orleans is plagued with a substantial number of substandard dwellings.

Considerable impetus was given to local slum-clearing efforts by the federal housing acts of 1949 and 1954. The first act provided for grants to local units of government to acquire, clear, and prepare blighted areas for the construction of new dwellings. After the land was cleared it could then be used either for public housing projects or resold to private builders for redevelopment.<sup>50</sup> The second provided, among other things, that the local community could receive up to two-thirds of the cost of parks, playgrounds, and public buildings or other public facilities "required to make possible sound clearance and redevelopment or neighborhood restoration and renewal which are provided by the local community in an urban renewal area." Federal assistance was made available for blighted, deteriorated, and deteriorating areas, or "land which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise substantially impairs or arrests the sound growth of the community and which is to be developed for predominantly residential uses."<sup>51</sup>

Among the technical requirements for federal funds are adequate building and housing codes and ordinances, a comprehensive community plan, detailed neighborhood analyses, adequate administrative organization, local financial ability, provision of housing for displaced families, and full-fledged citizen participation.<sup>52</sup>

Under Louisiana law the agency authorized to carry out slum clearance and urban redevelopment is the Housing Authority of New Orleans. The designation of a redevelopment area, however, requires approval by the planning commission for conformity with the comprehensive plan, and by the city council. It was at the approval stage that New Orleans' first efforts at redevelopment ran into trouble.

After enactment of the Federal Housing Act of 1949, Mayor Morrison created the office of city housing director to coordinate the entire housing

<sup>50</sup> *United States Code*, 1952 Edition, Title 42, Secs. 1441 et. seq.

<sup>51</sup> *Ibid.*, Secs. 1450 et seq.

<sup>52</sup> New Orleans City Planning Commission, *The Comprehensive Plan for New Orleans: Housing*, 1954, p. 45.



program. City departments affected by the program were required to deal with him, and he in turn served as a liaison officer between the city government and the housing authority.<sup>53</sup>

Between 1949 and 1952 independent studies were undertaken by Harland Bartholomew and Associates on behalf of the planning commission, and by the Housing Authority of New Orleans. Ultimately, an area bounded by Broad, Saratoga, Tulane, and Poydras streets was agreed upon as the site of the first project.<sup>54</sup> However, strong opposition developed within the affected area. Property owners, the assessor, a member of Congress, and several members of the council led the fight to defeat the program when it came before the council.<sup>55</sup> In addition, the opposition was successful in securing state legislation which restricted the exercise of the right of eminent domain so that the condemnation of land for a redevelopment program and its sale to private builders was declared not to be for a "public purpose."<sup>56</sup>

The failure of this project, in conjunction with other factors, necessitated the formulation of what has come to be known as the "New Orleans Plan," which is geared to the rehabilitation of deteriorating areas rather than to clearing slums. Prior to abandonment of the redevelopment program several city officials visited Baltimore, Maryland and Charlotte, North Carolina to examine their rehabilitation programs.<sup>57</sup> With the development of some support in the project area for adoption of the "Baltimore plan," the mayor appointed a committee of two dozen "leading citizens" to study the problem and make recommendations. The committee recommended the adoption of a minimum housing ordinance and the creation of a housing improvement agency to enforce it. The city council in 1953 created the necessary agency and adopted a minimum code. Originally the agency was made independent, but in the charter of 1954 it became the housing improvement division of the Department of Safety and Permits.<sup>58</sup> The ordinance also authorized the mayor to appoint a citizens' advisory council to assist in stimulating the cooperation and support of individual citizens, citizen groups, owners, and tenants in carrying out the ordinance. A six-member committee of the council also aids and assists the chief of the division in policy and program planning.<sup>59</sup>

The division head is a civil service employee appointed by the director of the Department of Safety and Permits subject to the approval of the mayor and chief administrative officer. The agency is divided into two units, one headed by an administrative assistant director and the other by the housing educator. The former directs the inspectional and enforcement programs, supervises the office, and performs the budget and personnel functions. The latter is in charge of educational and public relations activities.

A rehabilitation program may be initiated either by institution of a petition by a public authority, by at least five residents of the city charging that any dwelling is unfit for human habitation, or by action of the housing

<sup>53</sup> *New Orleans Item*, August 2, 1949.

<sup>54</sup> *The Times-Picayune*, February 18, 1949.

<sup>55</sup> See *New Orleans Item* and *The Times-Picayune* during July, 1952 and May 5, 1953. According to one authority, opposition within the area stemmed in part from the political faction opposed to the mayor.

<sup>56</sup> *L.R.S.*, Title 40, Sec. 564.

<sup>57</sup> *New Orleans Item*, November 23, 1952.

<sup>58</sup> *Home Rule Charter*, Art. 4, Ch. 7, Sec. 4-703.

<sup>59</sup> *Code of the City of New Orleans 1956*, Ch. 30, Sec. 3. In addition to the committee, the citizens' advisory committee has five active committees—finance, technical, public relations, legal, and education.

improvement division itself. If the project to be undertaken is the systematic improvement of an area exceeding more than two adjacent squares, the chief of the division must submit the proposal to the planning commission for its approval.<sup>60</sup> If the commission fails to act within thirty days the housing division may proceed. The commission has on several occasions told the housing division that a specific project was not in line with its plans and the latter has withdrawn the proposal.

The procedure for rehabilitating an area has been described by the enforcement officer of the housing improvement division as follows:

- (1) The city planning commission approves and assigns the rehabilitation area to the division of housing improvement. Usually, an area comprises 40 to 50 squares.
- (2) The division of housing improvement arranges two public meetings before beginning inspections. The first of these meetings is held with the owners of property in the area and the second with tenants residing in the area. The purpose of the meetings is to explain the program and the respective responsibilities of owners and tenants.
- (3) Systematic inspections of properties are then made on a door-to-door and block-to-block basis.
- (4) Inspectors report to the office for each dwelling inspected all conditions found which do not meet the requirements of the ordinance.
- (5) Inspectors' reports are reviewed in the office for adequacy and completeness after which a case folder (one for each structure) is prepared.
- (6) Typewritten lists of specifications are prepared from inspectors' reports which itemize categorically the repairs necessary for the property to meet the standards of the ordinance; (i. e., structural, electrical, plumbing).
- (7) These specifications are then transmitted to owners of properties under cover of a letter which informs them that these are the conditions to be corrected. This letter also informs owners that a hearing has been scheduled for them in the housing improvement division office on a given date, at which time they are afforded the opportunity of filing their answers to the complaints against the property and agree upon a maximum date for completion of all repairs.
- (8) Immediately subsequent to completion of the hearing an order of requirements is issued and mailed to the property owner. This confirms the agreement reached during the hearing.
- (9) Each rehabilitation area is assigned to a separate inspector who keeps all properties in the area under surveillance to check on progress made in accomplishing the repairs and to insure that the work being done will be performed in accordance with standards.
- (10) When all repairs have been satisfactorily completed, the area inspector reports such information to the housing improvement office and a letter of approval is then issued to the property owner.

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<sup>60</sup> *Ibid.*, Ch. 30, Sec. 4. See also *L.R.S.*, Title 40, Sec. 564.



This procedure is an explanation of practices followed where no difficulties are encountered in having repairs accomplished on schedule. There are numerous instances where, due to a variety of circumstances such as financial inability, properties being involved in several proceedings, or sometimes pure recalcitrancy, other action is required to secure compliance. Where financial inability is demonstrated, property owners are permitted to accomplish the required repairs on a staggered basis, undertaking the most urgent repairs first with extensions of time where necessary. In the case of recalcitrants whose premises warrant such action, legal means are employed to secure compliance. Action takes the form of an affidavit against the owner for prosecution under the ordinance or placarding premises as being "unfit for human habitation" and vacating tenants. Where the latter action is taken, tenants are assisted in locating other living quarters.<sup>61</sup>

The housing improvement division has estimated that units housing 50,000 people have been successfully restored to minimal standards. In achieving this result, the agency's watchword has always been "citizen action" rather than "law enforcement." During its first four years of operation the agency was compelled to bring court action only once. It has avoided action in areas that have deteriorated to a point where rehabilitation alone would not suffice. As a result, the program has been helpful in arresting the development of new slums but it has not solved the problem of existing slums.

In addition to his regular duties, the chief of the housing division served as urban renewal coordinator for a brief time in 1955 when it appeared that the city might qualify under the renewal provisions of the Federal Housing Act of 1954. This program was rejected in a manner similar to the earlier redevelopment program, and the division has since restricted its activities to the rehabilitation program.<sup>62</sup>

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<sup>61</sup> Memorandum from Ben Levy, administrative assistant director, Housing Improvement Division, July 2, 1957.

<sup>62</sup> See the annual reports of the New Orleans Planning Commission for 1954-55 and 1955-56 for a discussion of the renewal project and its disposition.



## CHAPTER III

### WATER SUPPLY AND CONTROL

An abundant water supply is one of the most important resources a city can have. The New Orleans area has plenty of water, being almost surrounded by lakes, the Mississippi River and a number of smaller streams.<sup>1</sup> The presence of so much water, however, creates problems for the governments of the area. The location of the city near the mouth of the Mississippi exposes it to the danger of floods at certain times of the year. This danger is increased by reason of the fact that much of the city is at or below sea level and in addition, the rainfall is more than sixty inches a year. The present chapter will discuss the major problems of both water supply and water control as they have been handled by the governments of the area.

#### WATER AND SEWERAGE SYSTEMS

##### New Orleans

Prior to 1899 water and sewerage facilities in New Orleans were very primitive. Frequently sewerage was discharged into open gutters and the earliest sewerage mains were actually privately constructed by the St. Charles Hotel and the D. H. Holmes Company. In 1880 the New Orleans Auxiliary Sanitary Association, a voluntary society, began trying to do away with open privies. The publicity work of the Association brought results, and by 1886 many dry closets were in use. Some homes had toilets consisting of a brick vault over which the seat and flue were built. The better homes had closed brick vaults into which pipes led from the bathroom. Many of the privies in the business district and those in the homes of the better class were connected with the street gutters. Those not so connected were cleaned by a private company and the contents dumped into the river.<sup>2</sup> In 1890 a franchise was granted to the New Orleans Drainage and Sewerage Company to develop and operate a sewerage system. The company went into the hands of a receiver, however, and its assets were purchased by the city and subsequently incorporated into a publicly operated system.<sup>3</sup>

Water was first supplied to residents of New Orleans under a franchise granted to a private company in 1833. During its period of operation allegations were frequently made that stipulations requiring that water be both pure and clear were violated. Upon expiration of the franchise the city took over operation of the system, reducing charges and expanding distribution. Due to the financial condition of the city, however, the legislature again placed the operation in private hands under a fifty-year franchise. The charge for water was not to be greater than that previously fixed by the city when it ran the system and never to be more than 10 per cent on the company's investment. Lack of satisfaction with the company's operations, plus recurring outbreaks of yellow fever, brought litigation which eventually led to the dissolution of the franchise.<sup>4</sup>

<sup>1</sup> See the map at the end of the volume.

<sup>2</sup> Paul R. Stock, *Historical Background to the Present Activities of the Board of Health of the City of New Orleans* (Unpublished M. A. Thesis, Tulane University, 1932), p. 65.

<sup>3</sup> John S. Kendall, *History of New Orleans* (Chicago, 1922), Vol. II, p. 577.

<sup>4</sup> *Ibid.*, p. 527.

A publicly operated sewerage and water system dates from 1899, when the state legislature created the Sewerage and Water Board of New Orleans, which is still the agency through which this function is performed. At the present time the board consists of the mayor; the two at-large members of the city council; one district councilman chosen by the council; two members of the Board of Liquidation, City Dept., appointed by the mayor on recommendation of the Board of Liquidation; and one citizen taxpayer from each of the seven municipal districts, appointed by the mayor. All members except the mayor and councilmen serve twelve-year terms.<sup>5</sup> The mayor is ex-officio president of the board, but the board itself chooses a president pro tempore, who normally presides. Although the mayor appoints seven members of the board, his control is illusory. The twelve-year term and his inability to remove them restrict the control factor normally associated with the appointive power.

The basic legal authority for the present Sewerage and Water Board stems from the 1899 acts of the legislature. Subsequent legislation deals with the organization, functions, and procedures of the board.<sup>6</sup> In addition, several provisions relating to finance are to be found in the constitution, and there is a brief section in the city charter.<sup>7</sup> The latter provides that the powers, duties and functions of the board shall be as provided by law.

For many years controversy has existed regarding the legal relationship of the Sewerage and Water Board to the government of the city. The board is a city agency in two respects. In the first place, members of the board, as already noted, either hold city office or are appointed by the mayor. Prior to 1954 the mayor could also remove most of his appointees. In the second place, most of the board's employees are under the city civil service system. On the other hand, the board is created by state law and has powers which can be exercised independently of the city government. Although court decisions have not fully clarified the issue, the most recent one declares that the board was created under the police power of the state and was designed to protect the health and welfare of the population of the entire state.<sup>8</sup> The charter commission which drafted the charter of 1954 was urged to make the Sewerage and Water Board a regular city department.<sup>9</sup> The commission, influenced by the Walmsley decision, concluded, however, that the board was a state agency and rejected the proposal. Therefore, despite a fairly substantial body of opinion that the Sewerage and Water Board should be brought under the control of the mayor and council, the agency has successfully maintained its independence as a state agency.

The principal administrative officers of the board are the secretary and general superintendent—both authorized by law, and filled by board appointment. The city attorney serves as legal advisor and appoints, with the advice and consent of the board, a special counsel, who has charge of the board's legal business. He can be removed by the city attorney, but only with the board's consent. If two-thirds of the members request removal, removal becomes mandatory.

The general superintendent is in charge of the so-called line functions; and the secretary, of the staff and most management functions. Units under the supervision of the general superintendent include divisions of sewer and water design and drafting, sewer and water construction and maintenance,

<sup>5</sup> L.R.S., Title 33, Sec. 4071.

<sup>6</sup> L.R.S., Title 33, Secs. 4071-4092.

<sup>7</sup> *Constitution*, Art XIV, Secs. 23-24., and *Home Rule Charter*, Art. V, Ch. 3.

<sup>8</sup> *State ex rel Porterie v. Walmsley*, 183 La. 139 (1935).

<sup>9</sup> Bureau of Governmental Research, *Charter Comments*, 1952, p. 12.

drainage engineering, sewer stations, water purification, mechanical engineering, plumbing inspection, and yards and garages. Under the secretary are accounting, audit, special inspections, collections, purchasing, office building operations, personnel, and the medical unit. As far as can be determined the general superintendent and the secretary report directly to the board and are therefore equal in status.<sup>10</sup>

Some units under the authority of the general superintendent seem to be organized on a purpose basis while others are process-oriented. For example, administration of the New Orleans plumbing code is placed in the hands of a plumbing inspection department with all related activities also in the unit. The same is generally true of the drainage function. On the other hand, water and sewerage operations are split in such a way that one department does designing and drafting work for both the water and sewerage systems and another department does construction and maintenance work for both.

Water is obtained from the Mississippi River through two pipes running under the levee and one over the levee and brought to a low-lift pumping station near the river. Electrically driven pumps then transmit the water to the main plant. When untreated water reaches the plant, it is settled, treated, chlorinated and filtered, and then pumped directly into the distribution system. Separate purification and pumping stations operate on each bank of the river, although the Algiers station represents only 5 per cent of the total operation. Total daily consumption runs as high as 149,000,000 gallons.<sup>11</sup> Electrical energy for the operation of the water plant, as well as the sewerage and drainage pumping stations is generated at the water plant and distributed to the various points of consumption over the Sewerage and Water Board's own transmission system.<sup>12</sup>

More than 136,000 premises were served by the Sewerage and Water Board's sewerage system in 1950 and over 800 miles of sewers were used to transmit the waste to the pumping station. Ten first-lift pumping stations lift the sewage on its way to the main pumping stations, and, in three cases, a second lift pumping station is needed before the final discharge stations can be reached. These are all electrically driven and automatically operated, "without any screening of the sewage or any attendance other than periodic visits to see that all is well." Three final discharge stations on the East Bank and one in Algiers pump the sewage through cast iron discharge mains into the Mississippi River about ten miles downstream. These stations are electrically driven and operate without screening of the sewage, but attendants are constantly on duty. It should be pointed out that the relatively undeveloped areas east of the Industrial Canal have not as yet been brought into the sewerage system.

As already noted, employees of the Sewerage and Water Board are under the New Orleans civil service system. In a case arising in 1951 the board contended that application of the civil service law was restricted to the requirement that an individual pass a test administered by the civil service commission. In that case the individual appointed by the Sewerage and Water Board was last on the list of eligibles, and the commission had refused to approve the appointment. The courts decided in favor of the commission.<sup>13</sup>

<sup>10</sup>*Organization and Manpower Chart, Sewerage and Water Board of New Orleans*, July 31, 1954.

<sup>11</sup>Black and Veatch, *Report on Sewerage and Water Board Facilities* (Kansas City, 1956), Vol. I, p. 9.

<sup>12</sup>The Sewerage and Water Board electric system is interconnected with the New Orleans Public Service system at several points and emergency power is supplied by NOPSI on request.

<sup>13</sup>Howard, *op. cit.*, p. 119.



The revenues of the Sewerage and Water Board are derived from four sources—sale of water, city appropriations, property taxes, and bonds. Water is sold to consumers with the exception of a number of charitable institutions, which are supplied free of charge. The constitution authorizes the board to fix water rates with the approval of the Board of Liquidation, City Debt. Funds derived from this source may be used for the maintenance, operation, and renewal of the water and sewerage systems. The constitution also requires that a sum of not less than \$1,750,000 be deposited annually in a sinking fund dedicated to the construction of water plants, water intakes, storage and distribution systems, the necessary land, or the payment of principal and interest on bonds issued for the construction of such facilities.<sup>14</sup> A unique provision of the constitution is the granting of water to residents of New Orleans for sewerage purposes free of charge. The practice has been to allow 600 gallons per person quarterly. Revenue from water charges has exceeded \$3,500,000 annually since 1953, and this amount is expected to continue to increase as a result of further rate increases.

By annual appropriation the city government provides funds for the operation and maintenance of the drainage system, which is under the Sewerage and Water Board. In general, the amount provided has been short of what was necessary, and water-sale funds have been used to make up the deficit. In 1959 the city appropriation was \$950,000.<sup>15</sup>

The constitution requires the city to collect for the Sewerage and Water Board two taxes of two and three mills per dollar of assessed property valuation. The proceeds are required to be turned over to the Board of Liquidation, City Debt for the construction and extension of sewer, water, and drainage systems. The first of these taxes is to be collected until 1992, and the second, until 2001. An additional stipulation, however, is that the money will be available as long as certain other taxes (debt and general municipal purpose) remain within certain limits.<sup>16</sup> The tax provides nearly \$4,000,000 annually.

Finally, the Sewerage and Water Board obtains revenue for capital improvements from bonds issued on the credit of the city of New Orleans and administered by the Board of Liquidation, City Debt.<sup>17</sup> A bond issue must be proposed by three-fourths of the membership of the Sewerage and Water Board, approved by three-fourths of the Board of Liquidation, City Debt, and two-thirds of the city council, and ratified by a majority of the taxpayers in number and value of property voted. Prior to 1958 the maximum amount which could be outstanding at any time was limited to 5 per cent of the city's total assessment.<sup>18</sup> Since there was an overall limitation of 10 per cent on the city, Sewerage and Water Board indebtedness could equal one-half that of the municipal government. Constitutional amendments adopted in 1958, however, permit the board to issue bonds in excess of this amount.

Because of the city's debt limitation and its low assessment level, there have been frequent struggles among various agencies to obtain a greater share of bond issue funds. The independence of the Sewerage and Water Board from the city government has made it difficult to fit its needs into the capital improvement program developed by the city planning commission. This problem has been magnified by the report of Black and Veatch, consulting engineers,

<sup>14</sup> *Constitution*, Art. XIV, Sec. 23.

<sup>15</sup> *City of New Orleans Operating Budget* 1959, p. 97.

<sup>16</sup> *Constitution*, Art. XIV, Sec. 23.

<sup>17</sup> *Ibid.*, Art. XIV, Sec. 24.

<sup>18</sup> See Bureau of Governmental Research, *Governmental Debt in New Orleans*, p. 7.

who conducted a survey of Sewerage and Water Board facilities and recommended a twenty-year program of improvements costing more than \$182,000,000. Of this amount approximately \$121,500,000 was recommended by 1965 and the remainder by 1975.<sup>19</sup> Although this recommendation was not adopted, the board has approved a program for the immediate future which represents an outlay of almost \$76,000,000. Because of the restriction on its bonded indebtedness, however, observers believe that financing will have to be by revenue bonds backed either by tax millage or increased water rates.<sup>20</sup>

### Jefferson Parish

Legislation enacted in 1926 authorized police juries to divide their parishes into one or more waterworks districts. The districts are governed by boards of five commissioners, three appointed for five-year staggered terms by the police jury and two, by the governor. The qualifications for appointment include residence and ownership of \$500 worth of real estate in the district or representation of a business corporation having real estate in the district valued at \$5000. The water boards have complete policy-making and administrative powers, including the power to issue revenue bonds and establish water rates. The only power retained by the police jury is that of abolishing the district or modifying its boundaries, but in doing this it may not impair any financial obligation.<sup>21</sup>

Five districts and two municipalities supplied water to the residents of Jefferson Parish prior to the reorganization of 1958. The largest of the districts in number of residents was Waterworks District No. 1, which served over 100,000 people in a 33,000-acre area. The district had 26,725 users in June, 1957, and the average daily consumption of water was just short of 10,000,000 gallons. One of the commissioners served as president of the board and general manager of the purification and distribution system. The incumbent in 1958 had served in this dual capacity since 1940 and had been associated with the organization since its inception in 1929.

Generally, continuity in office had prevailed at the top policy making level, inasmuch as all of the commissioners had served a minimum of ten years. Officials of the district, in addition to the general manager, included the vice-president and the purchasing agent and assistant general manager, both of whom were also commissioners, a secretary, treasurer, office manager, engineer, and plant and outside superintendents, as well as an attorney. Apparently all of these persons reported directly to the general manager. The district had over one hundred employees, none of whom was under civil service. They had, however, retirement, social security, and life insurance benefits.

Revenue for operations in 1956 totalled more than \$1,500,000, of which over \$1,000,000 was derived from water sales. The second largest source of income was a five-mill maintenance and operations tax, which provided almost \$275,000. Additional revenue was obtained from service charges, installations, and a share of the severance taxes.<sup>22</sup> The total indebtedness of the district in 1957 was slightly more than eleven million dollars.<sup>23</sup>

<sup>19</sup> Black and Veatch, *op. cit.*, Vol. VI, p. 23.

<sup>20</sup> *New Orleans Item*, August 13, 1957.

<sup>21</sup> L.R.S., Title 33, Secs. 3811-3813.

<sup>22</sup> *Annual Audit Report on East Jefferson Waterworks District No. 1, 1956*, by E. J. Rovira, Jr.

<sup>23</sup> Tabulation of answers to Jefferson Parish Charter Commission questionnaire.

The water lines of District No. 1 were for emergency purposes connected with those of the Sewerage and Water Board, but not with those of other water districts. It sold water, however, to the cities of Kenner and Harahan.<sup>24</sup> It operated as an independent unit of government, apparently without any control from the police jury.

Waterworks District No. 2 was very similar to District No. 1 with two exceptions: it was much smaller and it sold water to other water districts. It served the Harvey and Marrero area on the West Bank between the cities of Gretna and Westwego and had approximately 2800 water users. Because of the large number of industrial users and the sale of water to Districts No. 3 and 6, the total average monthly consumption was almost 35 per cent of the total for Water District No. 1.

The administration of the district seems to have been quite stable. The president of the board who had been associated with it since 1931, and four of the twenty employees had worked for the district for at least twenty years. Like District No. 1, it apparently operated without interference from the police jury.

The remaining three water districts in Jefferson Parish were created after World War II. All were small, having a combined population of about 18,000 in 1957. None of them purified its own water. Districts No. 3 and 6 purchased water from District No. 2, and District No. 5 purchased from the city of Westwego.

An ordinance of the Jefferson Parish council of August, 1958 placed all of the waterworks districts under a parish waterworks department.<sup>25</sup> As a result, centralization of managerial functions, such as personnel, accounting and purchasing, has been effected. There has been no change, however, so far as fiscal matters are concerned because taxes must continue to be levied by districts and outstanding bonds are district obligations. The more important district operations also continue to be separate. The districts which bought water from other districts continue to do so, including District No. 5 which, as already noted, purchases its water from the city of Westwego. The lack of departmental unity in operations is also illustrated by the recent creation of Water District No. 7 in a new subdivision near Gretna. This action, necessitated by financial considerations, points up the limits of the consolidation which has taken place in the water facilities of the parish.

Police juries are authorized by state law to create sewerage districts and at their discretion to appoint supervisory boards of three taxpaying residents for four-year terms. The power to formulate and administer policy may be given to the board, but the police jury retains ultimate control.<sup>26</sup> No district can include territory within the corporate limits of a municipality except that, where a portion of a district is annexed by a city, the area may remain in the district. Cities must therefore develop their own sewerage systems.

The sewerage districts in Jefferson Parish created under this act covered most of the unincorporated area on the East Bank and a small part of that on the West Bank. The first district was established on the East Bank in 1938. In 1951 its operations were expanded through the creation by the police jury of two subdistricts. The second district—also on the East Bank—was establish-

<sup>24</sup> See below, p. 61.

<sup>25</sup> *Ordinance No. 3806, Jefferson Parish Council, August 21, 1958.*

<sup>26</sup> *L.R.S., Title 33, Secs. 3881-3889.*



ed in the late 1940's. A third district was created in 1950, but later abolished. In 1957, District No. 4 was created on the West Bank and was activated the following summer.

The administrative operations of District No. 1 were in the hands of a manager appointed by the police jury. He was assisted in technical matters by a superintendent, who was in charge of treatment plant operations and outside maintenance and repair functions.

Because health regulations forbid the dumping of untreated sewage into the Mississippi River above New Orleans, all sewage has had to be treated before disposal. The total operation employed about twenty persons. As has been the case with employees of other special district authorities in Jefferson Parish, considerable continuity of employment prevailed. District revenue was derived primarily from ad valorem taxes set at three mills for debt purposes and five for operating expenses. There was also some income derived from the severance tax and from house connections.

Sewerage District No. 2 was created in the same way as District No. 1, but differed from it in several ways. Whereas the revenue of District No. 1 came almost entirely from a property tax, District No. 2 relied on sewerage charges<sup>27</sup> and an ad valorem tax which was used for bond retirement. The revenue received from charges amounted to more than double the amount received from taxes. A second difference was the extent to which District No. 2 policies were dictated by partisan considerations. Its boundaries were the same as those of the seventh ward, and the general manager prior to 1958 was the police juror from the ward. The board of supervisors was handpicked by him, and he acknowledged that all of his approximately twenty employees had been chosen from within the district on a partisan basis.

An election held in Sewerage District No. 4 in August, 1958 authorized the issuance of \$400,000 in bonds for a new sewerage system. In addition, a two-mill operating and maintenance tax was approved. The new plant was put into operation about a year later.

As in the case of other special districts, an ordinance of the parish council consolidated the sewerage districts in 1958, placing them under the control of a newly created department of sanitation.<sup>28</sup> The sewerage division of this department now performs managerial functions similar to those performed by the water department. Operations, however, continue to be separated by district boundaries.

### Jefferson Parish Municipalities

All four Jefferson Parish cities are serviced by public water supply systems. Two of them—Kenner and Harahan—have secured their water from Waterworks District No. 1, but the other two—Westwego and Gretna—maintain their own systems.

The Westwego system is the oldest in the parish, having been established at the time of the city's incorporation in 1919. It is under the control of a superintendent of public works. There are seven employees, and, in addition, the city supplies clerical assistance, although the system is not dependent on the city for funds. Its operating revenue is derived primarily from the sale of water.

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<sup>27</sup> Data obtained from the audit by the office of the State Supervisor of Public Funds.

<sup>28</sup> *Ordinance No. 3809, Jefferson Parish Council, August 21, 1958.*



Prior to 1935 Gretna purchased its water from the Algiers plant of the Sewerage and Water Board. At that time, with the aid of federal funds, it built its own plant and has since made extensions as population increased. The total outstanding indebtedness on the entire system was approximately \$367,000 in 1957. Administration of the system is under the supervision of the city tax collector.

Because health regulations forbid the dumping of untreated sewage system. As the result of the exclusion of municipalities from sewerage districts by law and the failure of efforts in the cities to get approval for sewerage bond issues, a unique situation exists in that some non-city residents have public sewage disposal but most city residents do not.

The Gretna system was established with a \$250,000 bond issue in 1930, and has since been extended several times at a further cost of \$250,000. Despite these extensions, it has fallen short of providing sewerage facilities throughout the city as the population has spread. An additional \$500,000 bond issue has recently been proposed to cover the areas not now covered. From its establishment the Gretna system has been paid for by taxes, both for bond redemption and for maintenance.

### St. Bernard Parish

Water and sewerage facilities are separately administered in St. Bernard Parish. The former is under the control of water districts and the latter, of sewerage districts. The water districts are of relatively recent origin. Prior to 1954, water was purchased from the Sewerage and Water Board of New Orleans. Apparently because of water pressure problems, a demand arose for a separate water purification plant, despite the fact that this would mean substantially higher rates. A \$3,000,000 bond issue was approved at that time to construct a water system in the thickly populated Arabi-Chalmette area.

The resulting Water District No. 1 is administered by a business manager who supervises both business and technical operations. A superintendent is in charge of the plant and a foreman, of outside operations. Employees have not been exempted from patronage requirements and, although some claim no political allegiance, all can be removed on political grounds. Pay and fringe benefits are comparable to those of other districts in the metropolitan area.

Recently created Water District No. 2 purchases its water from District No. 1. Its operations are small, being restricted to a distribution system covering an area which is largely rural. Its total water sales in 1955 were slightly less than \$15,000.<sup>29</sup> As late as mid-1957 the business office of the district was located in a dingy food market near the old parish court house.

There are two sewerage districts located in the Arabi and Chalmette areas. They were established under the sewerage district enabling act in 1948 and 1955, respectively, and include the urbanized wards of the parish. The first one serves virtually all of the residents within its boundaries, but the second is much more limited in extent. District No. 1 was under the control of the police jury until 1956 when a separate board of supervisors was created. District No. 2 had a board of supervisors from the outset, but its membership has always included members of the police jury. Both districts have financed their operations through maintenance taxes and their

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<sup>29</sup> Data obtained from the audit by the office of the State Supervisor of Public Funds.

capital improvements through long-term bonds retired by additional ad valorem taxes.<sup>30</sup> In spite of the proximity of the sewerage districts to each other, there appear to be few contacts between them or with the Sewerage and Water Board of New Orleans.

#### FLOOD CONTROL

##### State and Federal Action

Protection against the floodwaters of the Mississippi and its tributaries has always been a major problem in Louisiana. As early as 1717 steps were taken to alleviate the problem through the construction of levees.<sup>31</sup> Responsibility for levees in the early period of Louisiana history rested with the riparian owners except in the city of New Orleans, where construction and maintenance were municipal functions. In 1852 the state assumed responsibility for flood control. From then until 1886 levee construction and maintenance were alternately in the hands of the state, the local units of government, and a private company known as the Louisiana Levee Company.<sup>32</sup>

The present state-wide network of corporate levee districts began in 1886 with the creation of the Fifth Levee District. Within ten years the state was blanketed with more than a dozen such units, four of which were located in what is now the New Orleans metropolitan area.

Federal participation in flood control began in 1917 when Congress enacted legislation authorizing levee construction. Under this program local interests paid one-third of the cost, furnished the necessary rights of way, and agreed to maintain them. Since 1928 the national government has constructed levees and paid for rights of way on the Mississippi and Atchafalaya rivers and their tributaries. Elsewhere in the state it constructs the levees and local agencies furnish rights of way.

An important part of the flood protection system in the New Orleans area is the Bonnet Carre Spillway, operated by the United States Army Engineers above the city in St. Charles Parish. For many years Louisiana congressmen had supported such a project on the ground that it was unfair for Louisiana to bear the cost of protecting the area against flood waters which originated in twenty-seven states. In 1927 a disastrous flood killed 246 persons in the area and left 700,000 homeless. As a result, Congress enacted the Reed-Jones Flood Control Act which authorized the \$13,000,000 project. The spillway was completed in 1935 and has effectively protected the New Orleans area on several occasions since that date. It can handle 250,000 cubic feet of water per second and has actually on occasion handled more than this. It costs practically nothing to operate except in times of emergency.

Since 1871 coordination of flood control activities has been in the hands of the state board of engineers and its successors, the Department of Public Works. The department is responsible for flood control, drainage, navigation and irrigation projects which are constructed with state funds. It serves as the liaison agency between the state and federal governments, provides engineering services to all but one of the levee districts, and makes an annual report to the levee boards describing levee conditions and recommending

<sup>30</sup> *Ibid.*

<sup>31</sup> H. B. Myers, *The Operation and Maintenance of Federal and State Flood Control, Major Drainage and Navigation Projects in Louisiana* (Mimeographed), p. 5.

<sup>32</sup> Donald M. Cruse, *Financing and Administering Louisiana Levee Districts* (Unpublished M. A. Thesis, Louisiana State University, 1955), Ch. 2.

additions and improvements which should be made.<sup>33</sup> The local levee boards in turn are empowered to inspect the levees in their respective districts and to strengthen, repair and maintain them. There is a considerable amount of overlap in the functions performed by agencies of the three levels of government. Politics is also involved, particularly in connection with levee construction. For example, although levee construction is the responsibility of the Army Engineers, there is every reason to believe that local pressure is frequently exerted. No better evidence is needed than the publicly stated purpose of the Association of State Levee Boards to "promote and protect the interests of the levee districts, the welfare of the taxpayers, and to foster improved administration of levee board affairs through studies of common problems and through legislation."<sup>34</sup>

The authority for the creation of local levee districts is derived from the state constitution and statutory enactments establishing specific districts.<sup>35</sup> There are also constitutional provisions of a special nature which deal with the Orleans and Pontchartrain districts.<sup>36</sup>

Invariably the laws establishing the districts provide for a board of commissioners appointed by the governor for terms of four years or until their successors are appointed and qualify. In some instances the latter provision has enabled commissioners to serve beyond the four-year period.<sup>37</sup> In other instances the governor has removed members before the end of their terms by appointing their successors.<sup>38</sup> The qualifications and number of commissioners vary with the districts.

### Orleans Levee District

The parish of Orleans forms a separate district known as the Orleans Levee District. Although the area is relatively small, the operations of the district are the largest and most diverse of any in the state. The district was originally created in 1890 for the primary purpose of maintaining the levees on the Mississippi River and Lake Pontchartrain within the city of New Orleans. It has since expanded its activities to include a multitude of functions related to the use of the lake front. Operationally, the district is different from other levee districts in the state in two respects. First, its varied activities require a more complicated administrative structure; and second, the district is authorized to conduct its own engineering operations.

Its board consists of five qualified voters of the parish appointed by the governor, plus the mayor of New Orleans and a member of the city council designated by it. The board appoints a secretary, who supervises the accounting, stenographic, public relations, legal and engineering departments. In practice the key organizational units seem to be engineering and accounting, with the public relations and legal departments serving as staff adjuncts to the board.<sup>39</sup> As described by officials of the district, the function of the

<sup>33</sup> Myers, *op. cit.*, p. 6.

<sup>34</sup> *Biennial Report of the Department of Public Works*, 1954-55, pp. 8-9.

<sup>35</sup> *Constitution*, Art. XVI, and *L.R.S.*, Title 38, Secs. 3-4.

<sup>36</sup> See Art. XVI, Secs. 7, 8, and 8a.

<sup>37</sup> Members of the Orleans Levee Board appointed in 1952 continued in office long after expiration of their term in 1956. Several of them were removed by the governor in the fall of 1957 because of their opposition to a plan whereby the levee board would make land available for a New Orleans branch of Louisiana State University.

<sup>38</sup> In 1957, for example, the governor took this action in three districts in the New Orleans area—Lafourche Basin, Pontchartrain, and Lake Borgne.

<sup>39</sup> Based on organization chart of the district, November, 1952.

secretary is to serve as the official representative of the board. In addition, all matters are referred to him for assignment to the proper department. He has charge of the minute book of the monthly meetings of the board. His office has the files on all contracts and leases. He directs the hiring and dismissal of employees in accordance with state civil service rules. All matters relating to the New Orleans Airport are referred to him. The accounting department handles purchasing, auditing, and personnel records, and also prepares monthly financial reports of receipts and disbursements.<sup>40</sup>

The engineering department coordinates levee district projects with related projects of city, state and federal agencies. It furnishes information to the legal department, secretary, and accounting department on matters within their jurisdiction and handles certain aspects of the personnel records. It is in charge of all engineering design and supervision, and handles advertising for bids, tabulates the bids and makes recommendations on their disposition. It also approves all plans and specifications for residential and commercial buildings to be constructed in the lakefront subdivisions to assure their conformity to title restrictions.

The engineering department has its own mechanical repair unit which maintains such equipment as automobiles, trucks, tractors, mowing machines, cranes, pumps, etc. The department is in charge of the maintenance of the lake front parks, the New Orleans Airport, Pontchartrain Beach, Lincoln Beach, and Bayou St. John boat locks. It also maintains nearly 150 miles of levees, and is in charge of levee construction on inland streams and canals. The department has a police force which protects the property of the board along the lakefront and helps maintain order in cooperation with the New Orleans police department. Finally, it maintains a spillway in Plaquemines Parish which permits water from the river to flow into the Gulf of Mexico at a point fifty miles below the city, thus helping to reduce the river level from New Orleans downstream.<sup>41</sup>

The board has under its jurisdiction about twenty-five miles of river levees within the city of New Orleans, constructed by the Army Engineers, and twenty-two miles of river frontage along the Bohemia Spillway below the city. It also maintains over ninety-five miles of levees within the city, exclusive of those on the river. In 1916 the legislature authorized the board to construct seawalls and embankments along Lake Pontchartrain as a flood control measure. In 1922 this power was expanded to include reclamation of the lake bottom, its development and sale, and the construction of public parks and parkways. Since the beginning of this program five residential subdivisions have been developed. In addition to maintaining park and parkway facilities in the lakeshore area, the levee board has constructed two resort beaches on the lake, one for whites and one for Negroes. Swimming at both beaches is free of charge, but amusement concessions have been leased to private operators. The levee board has also built and is responsible for the operation of the New Orleans Airport.<sup>42</sup>

The chief source of revenue for the levee district is an ad valorem tax, limited since 1956 to a total of 3.5 mills per dollar on all taxable property situated within the alluvial portions of the district subject to overflow. This revenue source has provided an income of approximately \$3,000,000 per year

<sup>40</sup> Letter from J. S. Hill, assistant secretary, July 17, 1957.

<sup>41</sup> Letter from A. L. Willoz, chief engineer, July 16, 1957.

<sup>42</sup> See Chapter X.



for a number of years.<sup>43</sup> Other sources have been oil and gas royalties, rents and leases, and sale of land. The amount from these sources has varied considerably from year to year. For example, during the period from 1948 to 1952, taxes represented over 70 per cent of all revenue. During the next four years over 50 per cent of the revenue was derived from non-tax sources.

The present level of expenditures is approximately \$6,000,000 per year. Using 1955 figures as an example, the largest expenditure items were payments to the Board of Port Commissioners for the maintenance of levees on the Industrial Canal, bond redemption and interest payments, construction and maintenance of levees, lakefront maintenance, capital outlay for Lincoln Beach, and capital outlay for lakefront development. Since its creation, the levee board has incurred a total debt of \$19,559,000 but by 1956 almost 60 per cent had been retired.

Perhaps more than any other levee board in the state the functions of the Orleans Levee Board overlap those of other governmental units. Its relations with the United States Corps of Engineers are similar to those of other levee boards. Its relations with the state Department of Public Works are, however, more restricted. Inasmuch as the board does its own engineering work, the sole function of the state department is to approve levee projects. The requirement of state approval seems to have caused little difficulty.

The levee board is far more involved in the affairs of the city of New Orleans than in the case of other levee boards with respect to the local government units in their areas. As stated earlier, levee board membership includes the mayor of New Orleans and one council member. While there is apparently only limited participation by city officials in levee board affairs, they do have a formal entree. More important are the numerous relationships growing out of the varied activities of the levee board. For example, levee board police must be city approved. Subdivision developments must meet city specifications. Problems arise in connection with the coordination of levee board parks, parkways, and recreational facilities with plans developed by city agencies.

These relationships are not limited to the city government. A long standing contract has existed between the levee board and the Board of Port Commissioners,<sup>44</sup> in which the former agreed to pay \$925,000 annually to the port authority for construction and maintenance of levees along the Industrial Canal.<sup>45</sup> Some relations have also involved state agencies other than the port commission and the Department of Public Works, as exemplified by a recent altercation with the governor and Louisiana State University involving the use of levee board land for the New Orleans branch of the university.<sup>46</sup>

### Jefferson Levee Districts

For purposes of flood control Jefferson Parish is bracketed with a number of other parishes in such a way that relatively little control is exercised over the levee districts by political forces within Jefferson Parish. The East Bank

<sup>43</sup> See Barton, Pilie, Hughes, and Jones, *Report, Board of Levee Commissioners of the Orleans Levee District*, May 15, 1956, and biennial reports of State of Louisiana, Department of Public Works.

<sup>44</sup> See Chapter X.

<sup>45</sup> *Constitution*, Art. VI, Sec. 16. Some observers are expecting difficulties in a few years in connection with this contract. They say that levee board officials believe that the contract is for fifty years while port commission officials think it is perpetual.

<sup>46</sup> See the Baton Rouge and New Orleans newspapers during October, 1957 for a discussion of the issues involved.

of the parish is included in the Pontchartrain Levee District, together with parts of East Baton Rouge, Iberville, Ascension, St. James, St. John the Baptist, and St. Charles parishes. The West Bank of the parish is included in the Lafourche Basin Levee District, which includes portions of Ascension, St. James, St. John the Baptist, St. Charles, Lafourche, and Plaquemines parishes.

The Pontchartrain Levee District is governed by a nine-member board appointed by the governor. Each of the seven parishes in the district has one member, and the other two are appointed on recommendation of the Illinois Central and Louisiana and Texas Railroad Companies. The district maintains approximately 135 miles of levees, of which all but about five miles are along the Mississippi River. The remainder are along the banks of Lake Pontchartrain. A three-mill ad valorem tax is levied to pay maintenance costs. The expenditures of the board exceed those of all but two other districts in the state.<sup>47</sup>

The Lafourche Basin Levee District is under the control of a nine-member board appointed by the governor. One member is appointed from each of the eight parishes in the district and the ninth, on the recommendation of the railroads operating in the district. A total of approximately 120 miles of Mississippi River levees are maintained. Ranking fifth in total levee mileage, the district ranked fourth in expenditures in the most recent year for which figures are available.<sup>48</sup>

#### St. Bernard Levee Districts

A unique situation exists in St. Bernard Parish in that the two districts—the Lake Borgne Basin Levee District and the Chalmette Back Levee District—overlap territorially. The former is considerably larger although its operations are relatively small by comparison with other districts in the metropolitan area. The Lake Borgne district serves the East Bank of the Mississippi River in both St. Bernard and Plaquemines parishes.

Organization of a governmental unit as small as the Lake Borgne Basin Levee District is simple but often elusive in that its structure is no more permanent than the personnel of its governing body. The district is governed by a three-member board of commissioners appointed by the governor. Membership includes one each from St. Bernard and Plaquemines parishes and one recommended by the Southern Railroad. The board has a part-time secretary and a work crew of approximately fifteen men.

The district includes about sixty-seven miles of levees, of which approximately forty-nine are on the river. The activities of the district crew for 1956-1957 are typical of those regularly performed. They included: (1) cutting of grass and weeds on the levee; (2) inspecting and patrolling levees; (3) repairing of storm damages on Paris Road to Violet Back Levee; and (4) repairing wooden flood gates in the back canal at Paris Road. During the same period, the services of the state Department of Public Works to the district included: (1) making inspections and preparing reports on levee conditions; (2) attending all board meetings as engineering supervisors; and (3) making surveys and preparing plans and specifications for canal and levee construction.<sup>49</sup>

<sup>47</sup> Public Affairs Research Council, *Louisiana Levee Districts* (1958), p. 32.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Biennial Report of the Department of Public Works*, 1957, p. 44.

Finally, the United States Corps of Engineers completed or had in progress in the district projects costing more than \$400,000.<sup>50</sup>

In order to carry out its portion of the flood control function, the levee board is empowered to levy annually a five-mill tax on all property in the district subject to taxation for levee purposes. The board is also authorized to levy annually a local assessment, or forced contribution, of five cents per acre on land susceptible of cultivation and of \$60 per mile of railroad lines in the district. In the event that other revenue sources are inadequate, the board may levy an additional special assessment on a number of specified agricultural commodities.

The most recently created and smallest levee district in Louisiana is the Chalmette Back Levee District. As in the case of the Lake Borgne District, it is governed by a three-member board but the method of appointment is different. The governor appoints the members but only upon the petition of at least twenty-five district residents who are taxpayers and voters. Aside from the manner in which members are chosen, the board is similar to other levee boards. It has a secretary and a work crew to handle maintenance, repair, inspection and grass cutting work.

The program of the district is more limited than that of other levee districts in that it includes no river levees. The board is concerned entirely with back levees and drainage. Prior to the establishment of the district, the police jury handled the drainage function, but a number of factors, including its failure to cope with a serious storm in 1947, led to demands for the creation of the district. Although the Lake Borgne district was already in existence in the area, the legislature chose to create an additional district. One explanation offered is that by creating another district, additional indebtedness could be incurred. Another explanation, which cannot be documented, is that the district was created as a result of factional differences among political leaders in the parish.

Because the Chalmette district is restricted to back levee operations, the Corps of Engineers has no part in its operations. Under its statutory authority the district performs all of the functions of other levee districts, plus construction of levees. The Department of Public Works provides engineering services and pays 40 per cent of back levee construction costs. In letting contracts, the department handles advertising, but the board accepts or rejects bids. The activities of the two agencies in the district in 1954-1955, according to the report of the Department of Public Works, were as follows. The levee board (1) maintained canals and improved drainage along Good Children Street ditch, Paris Road ditch, Guichard Canal, Fortification Canal, Blue Bird Lateral, Gueringer Canal, Eicke Canal, and Back Canal; (2) rebuilt back levees between existing pumping plant and Louisiana Southern Railway embankment; (3) constructed three trash screens in canals in the vicinity of the pumping plant; and (4) improved drainage in the Arabi area. The Department of Public Works (1) prepared plans and specifications and supervised work for the improvement of drainage canals; (2) prepared plans and specifications and supervised improvement of back canal, the construction of the back levee and the construction of trash screens; and (3) made a study of the drainage district and furnished the levee board with a report.<sup>51</sup>

<sup>50</sup> *Ibid.*, p. 173.

<sup>51</sup> *Biennial Report of the Department of Public Works*, 1955, p. 74.

The district can levy two types of taxes: an ad valorem tax limited to five mills, and a forced contribution not to exceed two dollars on each square superficial arpent of land or \$30 per mile of standard gauge railroad. There are approximately a dozen employees. Board members themselves inspect the levees on an average of ten to fifteen times per month.

### DRAINAGE

#### New Orleans

The New Orleans area is threatened with flooding not only from the Mississippi and nearby lakes, but also from the heavy rainfall that the area experiences. It has, therefore, been necessary to develop, in addition to a levee system, a drainage system to remove the water which falls on the area. This problem has plagued the city from earliest times. One writer described the situation in 1795 as follows:

The sanitary condition of New Orleans was necessarily bad. The river flowed the streets of the lower part at every freshet, and the drainage, even in the driest season, was wholly inadequate. A moat of stagnant water surrounded the wall, the canal itself was little better than a ditch and behind the city was a vast swamp stretching away to the bayou. In summer the air swarmed with mosquitoes and other pestiferous insects, while the stench rising from the ponds and marshes was suggestive of all manner of disease.<sup>52</sup>

Prior to 1800 the Spanish governor, Carondelet, tried to improve the city's drainage by constructing a canal from the city to the lake. In subsequent years other canals were built, but all of these efforts were only piecemeal.

The first comprehensive attempt to plan a drainage system for the city was undertaken in 1857. A state law of 1858 created three drainage districts and authorized appointment of drainage commissions in each. The boards were authorized to levy taxes on the superficial footage of the area to be drained and to incur indebtedness up to \$350,000. Little was accomplished during the next forty years, however. In 1893 the city council appointed an advisory board on drainage which developed a comprehensive plan, and in 1896 the legislature created a drainage commission which constructed a system and maintained it for the next forty years.<sup>53</sup> In 1903 an act of the legislature merged the drainage commission with the Sewerage and Water Board.

The present drainage system operated by the Sewerage and Water Board consists of sub-surface drainage and a system of canals. Sub-surface drainage is paid for by the city and installed under the general supervision of the city engineer. The Sewerage and Water Board reviews the plans submitted by the city in order to insure conformity with established standards.

The drainage canals are of three general types: earthen lined only, lined, and covered. The Sewerage and Water Board maintains approximately seventy-five miles of earthen, eleven miles of lined, and fifty-eight miles of covered canals. There are twelve pumping stations which provide protection to almost 50,000 acres of land in the city. The system also protects approximately 2200 acres in Jefferson Parish on the East Bank and a small area in St. Bernard Parish. Storm waters and subsurface flow are collected in the drainage system through catch basins, drain lines, and canals. The water flows by gravity to the pumping stations from which it is pumped to the Mississippi River, Bayou Bienvenue or Lake Pontchartrain.<sup>54</sup>

<sup>52</sup> Maurice Thompson, *The Story of Louisiana* (Boston, 1888), p. 65.

<sup>53</sup> Kendall, *op. cit.*, vol. II, Ch. 36.

<sup>54</sup> Black and Veatch, *Report on Sewerage and Water Board Facilities* (Kansas City, 1956), vol. I, p. 2.



## Jefferson Parish

In Jefferson Parish the drainage function prior to the 1958 reorganization was handled by a number of special districts created pursuant to a 1921 act of the legislature.<sup>55</sup> Under this statute special districts may be created on the initiative of the governing authority of a parish or the governing authority of adjoining parishes, when deemed advisable. If the parishes fail to act, a petition by the owners of a majority of the assessed value of the land in the area may compel creation of such a district.

In the Jefferson Parish area there were in 1958 four drainage districts wholly within the parish and one district which included a portion of Plaquemines Parish. The Fourth Drainage District covered the entire East Bank of the Mississippi River, excluding the municipalities of Kenner and Harahan. The Second, Ames, and the Sixth covered an area of approximately ten square miles on the West Bank, including the unincorporated areas of Harvey and Marrero and the city of Westwego. The Jefferson-Plaquemines District covered a substantial area of both parishes, including the city of Gretna.

All drainage districts were governed by boards of five commissioners. The commissioners, or their spouses, were required to be owners of real estate valued at at least \$500, or they had to be representatives of corporations owning at least \$500 in real estate in the district. There was no residence requirement, and commissioners were permitted to serve on more than one drainage board. Appointment was by the governing authority for a five-year term on the recommendation of the owners of a majority of the acreage or a majority in number of the property owners in the district. Where there were forty or more owners, the recommendation of twenty-five was sufficient, unless there was a contest, in which case the view of a majority of the landowners prevailed. In spite of the apparent control by local residents, appointment tended to rest in the hands of the parish political leaders.

The chief activity of the districts has been construction and maintenance of a system of canals and pumping stations. Water was pumped from the land into canals and from the canals into nearby rivers and lakes.<sup>56</sup> The largest operation among the drainage districts was carried on in the Fourth District, which covered all of the East Bank of the parish and had over one hundred employees and a monthly payroll of more than \$20,000. The board had a general manager who was in charge of all engineering, drainage ditch and pumping station operations. In addition, there was a secretary-treasurer and a purchasing agent.

Revenue was obtained from ad valorem taxes and from a share of the state severance taxes. Like other subdivisions of the state, the district had the power to borrow on a long-term basis. As of 1957, the indebtedness of the district exceeded \$3,000,000, including the debt of two defunct sub-districts. The major use of the funds derived from long-term borrowing was canal construction.<sup>57</sup>

The combined area of the three districts on the West Bank was much smaller than that of the East Bank district. In view of the fact that the districts were contiguous there should logically have been but one. Opposition by residents in the Ames area, the middle of the three districts, as well as partisan considerations, produced a different result. In practice, however,

<sup>55</sup> *L.R.S.*, Title 38, Chap. 6.

<sup>56</sup> Tabulation of answers to Jefferson Parish Charter Commission questionnaire.

<sup>57</sup> Data obtained from the audit by the office of the State Supervisor of Public Funds.

there was a substantial amount of cooperation among the three districts. In 1957 the president of the board in District No. 2 was a member of the board of District No. 6 and served as attorney for the Ames district.<sup>58</sup> Furthermore, all three districts had the same secretary-treasurer. This presumably led not only to uniformity in financial operations but also to exchange of personnel and equipment.

Because of the relatively small size of the districts, both in terms of area and total operations, the organization of all three was informal. In one district a board member served as superintendent; in another, the president of the board. The number of employees per district did not exceed six. The income of the West Bank districts came from the same sources as that of the Fourth District. The bonded indebtedness was small, amounting in no case to more than \$31,000.<sup>59</sup>

Except for its bi-parish aspects, the Jefferson-Plaquemines District is similar to those listed above in function and operations. Its board has a majority of members from Plaquemines Parish, and the result is that the district is dominated by Plaquemines Parish interests. One feature of its operation is that the New Orleans Sewerage and Water Board pays the district \$20,000 annually for pumping water from Algiers through the Jefferson-Plaquemines canal system. The district is larger than any of the other West Bank districts, employing more than twenty people and expending almost \$200,000 annually. Its revenue is obtained chiefly from acreage, ad valorem, and severance taxes, and from drainage payments by the city of New Orleans, the United States Navy, and several large industrial firms.

The segmentation of drainage operations in Jefferson Parish resulted in a denial to the parish of assistance from the state Department of Public Works, since only those parishes in which the drainage function is performed on a consolidated basis are entitled to state financial assistance. This situation was changed by an ordinance of the parish council enacted in August, 1958 which consolidated all the drainage districts except Jefferson-Plaquemines under the parish department of sanitation.<sup>60</sup> Since that time managerial services, such as purchasing and accounting, have been centrally administered. Operations, however, continue to be divided along old drainage districts lines and finances are also separate because of inherited differences in obligations.

### St. Bernard Parish

The drainage system in St. Bernard Parish is operated by the levee boards as an integral part of their flood control work. One special drainage district has been created in a rural area of the parish, but has never actually functioned.

<sup>58</sup> While this might be regarded as coincidental, there has been from the outset a considerable amount of influence exerted over the operations of all three districts by the family of the individual who held these positions.

<sup>59</sup> Data obtained from the audit by the office of the State Supervisor of Public Funds. It should be pointed out that the West Bank districts, in contrast to the fourth, did not perform street ditch drainage operations.

<sup>60</sup> Ordinance No. 3809, *Jefferson Parish Council*, August 21, 1958.



## CHAPTER IV

### PUBLIC HEALTH AND SANITATION

There is perhaps no area of government activity in the United States where the lines of authority of local, state and federal governments are as indistinctly marked as in the case of public health. Governments at all levels are concerned with its problems, and they discharge their responsibilities through a multitude of laws and regulations and a variety of administrative agencies. The agencies involved in water supply and control were discussed in the previous chapter. The present chapter will undertake to describe the work of others which are concerned with public hospitals and community health generally.

#### PUBLIC HOSPITALS

There are three major hospitals in the city which are government operated. These are the Charity Hospital of Louisiana, the United States Public Health Hospital, and the Veterans Administration Hospital.

#### Charity Hospital

Free medical care for the sick has been provided in New Orleans since 1736, when the first charity hospital was established following a bequest by Jean Louis, a resident of the city, of the greater part of his estate for the establishment of such an institution.<sup>1</sup> Since the bequest was small, it was not long before public funds were sought for its support, although citizens of the city were urged to contribute whenever a serious need arose. Apparently the first tax for the support of the hospital was levied in 1769, the year in which Spain took over the administration of the colony from France.

During the period of Spanish rule there were frequent disputes regarding administrative control of the hospital, which involved the governor, the city cabildo and the ecclesiastical authorities. These troubles carried over into the period following the purchase of Louisiana by the United States and were not finally settled until 1813, when the state of Louisiana assumed full responsibility for the administration of the hospital.<sup>2</sup> Financial difficulties continued, however, and in 1815 Governor Claiborne, with legislative authorization, appealed for assistance to the governors of Tennessee, Kentucky, Ohio, Virginia and Pennsylvania on the ground that "for several years past it has been found that among the Patients admitted into the hospital gratis the greater proportion were inhabitants of the Western States and Territories who descend annually to New Orleans, with their surplus production."<sup>3</sup> Four of the states did not respond, but Pennsylvania contributed \$5,000 to a new building and an annuity of \$500 for ten years to be used for the care of its citizens.

In 1833 the board of administrators turned over the internal management of the hospital to the Catholic Sisters of Charity, who still administer some of its internal affairs. State control continued, but state support was totally inadequate, due principally to the fact that the hospital was crowded with out-

<sup>1</sup> Stella O'Connor, *The Charity Hospital of Louisiana at New Orleans, An Administrative and Financial History, 1736-1941* (Unpublished M. A. thesis, Tulane University, 1947), pp. 5-6. This thesis is an excellent source of information on the history of Charity Hospital.

<sup>2</sup> *Ibid.*, p. 64.

<sup>3</sup> Quoted in *ibid.*, p. 69.



of-state and foreign patients. Miss O'Connor quotes *Niles' Register* of 1843 to the effect that from 1830 to 1842 the hospital admitted 56,393 patients, of whom 39,722 were foreigners. Of the American patients apparently only a small percentage were from Louisiana. In 1843 the state legislature imposed a passenger tax on all persons arriving in New Orleans by boat. The act provided ample funds for a few years, but was of doubtful constitutionality, and was repealed in 1850. Foreigners, however, were still required by law to pay what was in effect a \$2.00 tax.<sup>4</sup>

Charity Hospital remained open throughout the Civil War with an average of over 5500 patients per year from 1862 to 1865. During the last quarter of the nineteenth century it continued to have financial difficulties, and there was a great deal of internal strife over the question of establishing a training school for nurses. The hospital had been used since 1835 by the Medical College of Louisiana in the training of doctors, but it was not possible to establish a school for nurses until 1893.

During the first three decades of the twentieth century the hospital grew rapidly as the result of a number of large bequests. A nurses home, a 140-bed addition to the hospital, and buildings for tubercular patients, convalescents and persons with contagious disease were constructed. These additions greatly increased the cost of operation, and so funds were raised at various times by public appeals, raffles, fairs and even house-to-house canvass. The administration of the hospital was greatly improved in 1913 by the creation of the position of hospital superintendent and the separation of its duties from those of the house surgeon who had previously been in charge of the institution.

Huey Long politicalized the administration of Charity Hospital. The great exponent of "Share the Wealth" seized control of the hospital shortly after his election as governor in 1928, hired and fired employees at will and subjected them to forced political contributions. In the meantime, the needs of the hospital had outgrown its facilities. It had 1756 beds but was called on daily to provide accommodations for approximately 2400 patients. In 1933 the administrators sought PWA funds for a new hospital, but the request was turned down in Washington. There was also considerable local opposition due to the proposal of the administrators to repay the loan portion of the funds through the establishment of a number of pay wards. The application was renewed in 1935 with the pay-ward feature eliminated, but nothing came of it due to Huey Long's famous quarrel with President Roosevelt. After Senator Long's assassination in September, 1935 his political heirs lost no time in patching up the feud with the Roosevelt administration. As the result of a federal grant supplemented by the proceeds of a state bond issue, a new building providing approximately 2680 beds was constructed, giving the hospital a total capacity of over 3500 beds.

Governor Jones, who overthrew the Long machine in the 1940 election, appointed a citizen's committee to investigate Charity Hospital and make recommendations regarding future policies. The committee engaged two nationally known hospital administrators to make a separate survey. The Sisters of Charity also made a report and from these three studies, over fifty specific recommendations were made to the governor. On the governor's recommendation the legislature created a department of institutions to administer all state institutions, but the hospital board continued in existence, and has, despite several changes in the law, continued to administer the institution until the present time.

<sup>4</sup> *Ibid.*, p. 84.

The Charity Hospital board consists of the governor and the director of the hospital, ex officio, and fifteen members appointed by the governor with the consent of the Senate. The term of office of appointed members is four years and they must be from the first and second congressional districts. They select a director from outside their own ranks, who serves at their pleasure.

The hospital has an annual budget of over twelve million dollars, over 90 per cent of which comes from state appropriations and the remainder from such sources as federal grants, income from invested funds, and payments by patients ineligible for free treatment. The professional staff consists of approximately 300 resident doctors, 130 interns, and a number of visiting staff physicians from other hospitals. The Catholic Sisters of Charity, numbering twenty-seven in 1957, occupy the key management and supervisory positions in four divisions of the hospital—the school of professional nursing, and the dietary, housekeeping and nursing service departments. The hospital has approximately 3500 employees, exclusive of professional personnel.

For the fiscal year ending June 30, 1956, 74,587 persons were admitted to Charity Hospital, 508,114 were treated in its outpatient clinics and 131,751 in the emergency rooms. Approximately 55 per cent of the admissions were from the New Orleans metropolitan area and most of the remainder from other parishes of the state. Negroes outnumbered whites by more than two to one in both admissions and visits to outpatient clinics. Obviously its clientele is vastly different today from what it was a hundred years ago.

Charity Hospital does not turn away any person who is in immediate need of medical attention. It operates a fleet of ambulances for both local and statewide calls, and approximately 95 per cent of all accident cases in the city are brought first to its emergency rooms. If, after initial emergency treatment, a patient is found to be ineligible and is able to be moved to a private hospital, he is transferred and billed for the services which have been rendered. A similar determination of eligibility is made for patients who come to the admitting room and are referred by a doctor to either clinic or ward.

Eligibility is determined on a sampling basis by an investigator from the social service department of the hospital. Because of the large number of patients and the small number of social service investigators, only about 12 per cent of the patients can be interviewed with respect to their financial status. In 1956 a total of 28,631 patients were interviewed, of whom 5,947 were found to be ineligible.<sup>5</sup> Income from salary or wages, adjusted to the number of dependents, is the principal basis for determining eligibility. However, if a patient has an income in excess of the maximum allowed but would not be able to finance private hospitalization due to the fact that he is the family breadwinner or has relatively large debts, he is treated without charge.

Charity Hospital is the training center for both Tulane and Louisiana State University medical schools and for the Loyola University school of dentistry. Its own school of nursing enrolls approximately 500 students, and the nursing service department administers a training program for practical nurses in cooperation with the Orleans Parish school board. It also administers the state poliomyelitis center and cooperates with the State Department of Health in its polio surveillance program. The medical social service department is used by the social welfare schools of both Tulane and L.S.U. for the training of medical social workers. The department also cooperates with the Orleans

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<sup>5</sup> *Report on Charity Hospital of Louisiana at New Orleans, 1955-56*, p. 164.

Parish Department of Public Welfare and other social agencies through referral to them of cases where financial or other aid not given by the hospital is needed by patients or their families.

### United States Public Health Service Hospital

The United States Public Health Service Hospital, known before 1951 as the United States Marine Hospital, is also an old institution. It traces its history back to an act of Congress in 1802 which authorized the president to spend not over \$3000 to establish a marine hospital at New Orleans, provided it could be done with the consent of the government having jurisdiction over the port. Operating costs were to be paid from the proceeds of a twenty cents per month assessment levied on all American crew members of vessels using the Mississippi River. Shortly after the passage of the act, President Jefferson appointed as medical director Dr. William Bache, a grandson of Benjamin Franklin, who took up his duties in 1803.<sup>6</sup>

The amount authorized for the construction of the hospital was inadequate, and so the facilities of Charity Hospital were used apparently from the outset. This arrangement lasted until 1826 when the care of Mississippi River boatmen was transferred to the Orleans Infirmary. After 1841 several other hospitals were used until the first building designed as a marine hospital was occupied in 1848.<sup>7</sup> Since that time, the hospital has occupied several other buildings.

The present hospital, constructed in 1932, can ideally accommodate 346 beds. It is one of twelve general hospitals operated by the Public Health Service in the United States. There are approximately twenty physicians on the staff. The hospital supplies medical services in all the major fields of medicine and surgery and there are outpatient facilities in most of these specialties. Both inpatient and outpatient dental services are also provided. There is an approved training program for resident doctors and interns, including dentistry and pharmacy. The cost of operating the hospital is in excess of two million dollars a year.

The principal beneficiaries of the free medical care provided by the Public Health Service Hospital are persons in the armed services of the United States, merchant seamen actively employed on American ships, officers and enlisted men of the Coast Guard and their dependents, federal employees injured at work, officers and crew members of the Coast and Geodetic Survey, and Public Health Service commissioned officers and their dependents. Seamen on foreign vessels are also cared for, but on a reimbursable basis. The patients in the Public Health Service Hospital are therefore not indigent nor in any way considered as charity cases. They are simply the beneficiaries by law of the medical care furnished by the Service. Their treatment is similar to that provided private patients in community hospitals anywhere in the United States.

The Public Health Service Hospital has certain other responsibilities in addition to supplying medical care to the groups listed above. Its physicians determine physical fitness for the appointment and promotion of Coast Guard, Public Health Service and Coast and Geodetic Survey personnel. They evaluate the disability of such personnel and of other federal employees who have a job-related compensable illness or injury. They are also frequently subpoenaed to testify in court in cases involving injuries to merchant seamen.

<sup>6</sup> Ralph C. Williams, *The United States Public Health Service, 1798-1950* (Washington, 1951), p. 39.

<sup>7</sup> William E. Rooney, *The New Orleans Marine Hospital, 1802-1861* (Unpublished M. A. Thesis, Tulane University, 1950), p. 70.



In addition, the hospital has professional and administrative supervision over the Public Health Service outpatient clinic in Mobile, Alabama. It also has administrative supervision over outpatient offices in ten cities of Florida, Louisiana, Mississippi and the Canal Zone, each of which is in charge of a local physician who is under contract to serve on a fee basis. The financial accounts of eighteen Public Health Service facilities in the area are kept by the New Orleans hospital. Hospital personnel in certain ancillary fields also provide relief and consulting service to other Public Health Service stations which have a more limited program than that provided in New Orleans.<sup>8</sup>

### Veterans Administration Hospital

The Veterans Administration Hospital is a relatively new facility, having been established in 1946. After about six years of operating in temporary quarters near Lake Pontchartrain, it was moved in 1952 to its present quarters in a new building adjacent to Charity Hospital. It is one of nearly 200 hospitals in the United States which are operated under the direction of the department of medicine and surgery of the Veterans Administration. The hospital has a capacity of 492 beds; and there are 600 full-time employees, including a complete staff of physicians, dentists, nurses, and social workers. It is affiliated with the Tulane and Louisiana State University medical schools and the Tulane School of Social Work.

The facilities of the hospital are available only to veterans. Those with service-connected ailments have priority so far as admission is concerned. Those whose ailments are not service-connected are admitted if beds are available. All patients are treated free if they are unable to afford treatment at a private hospital. Veterans whose illness or disability is not service-connected must sign a statement that they are unable to pay and support it with a record of their assets and liabilities. The hospital serves primarily South Louisiana and portions of Mississippi and Texas. It is always crowded, with proportionately one of the largest waiting lists of any Veterans Administration hospital in the United States.

There is also in New Orleans a Veterans Administration clinic which is not connected with the hospital but is under the department of veterans benefits of the Veterans Administration and its regional office in New Orleans. It provides out-patient facilities for veterans with a service-connected disability and conducts examinations in compensation and pension cases. Although the hospital and the clinic are not under the same management, they work closely with one another, each referring appropriate cases to the other. The hospital furnishes supply services to the clinic, and the regional office keeps the financial records of the hospital, each reimbursing the other for its services. The facilities of the clinic are used by the School of Social Welfare of Louisiana State University in the training of psychiatric social workers.

### Other Hospital Facilities

In addition to the public hospitals discussed above, there are several private hospitals which provide limited free or part-pay service for which they receive public funds. These include Touro Infirmary, Hotel Dieu, Sara Mayo Infirmary, Eye, Ear, Nose and Throat Hospital, and Flint-Goodrich Hospital. Sara Mayo and Eye, Ear, Nose and Throat hospitals receive both state and city funds, while the others are subsidized by the city only. In all

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<sup>8</sup> *Fact Sheet*, Public Health Service Hospital, New Orleans, Louisiana, pp. 1-3.



cases, however, the amounts involved are relatively small. The other private hospitals in the city receive no public funds and so set their own policies with respect to free or part-pay patients.

Limited medical services are also provided free to army and naval personnel at a temporary fifty-bed hospital and an out-patient clinic at Fort Leroy Johnson and an out-patient clinic at the Naval Station in Algiers. The personnel at these installations is not large, however, and so there is little duplication of the services now available at the Public Health Hospital to both active-duty and retired military personnel.

Until recently there were no public hospitals in the New Orleans metropolitan area outside the city. One has recently been built on the West Bank, however, by Jefferson Hospital Service District No. 1 with the aid of federal funds. The district, which was created in 1956, is governed by a five-man board originally appointed by the police jury for overlapping terms of six years. It levies a  $3\frac{3}{4}$  mill tax, of which  $2\frac{3}{4}$  mills are for sinking fund purposes and one mill for maintenance.

Finally, it should be noted that the coroner's office of Jefferson Parish performs an unusual service in operating two ambulances for the emergency transportation of persons to hospitals in the city. One ambulance is stationed on the East Bank and the other on the West Bank. This service was authorized by a special act of the legislature.

### COMMUNITY HEALTH

The health of the New Orleans area is protected by a number of federal, state and local agencies. The work of the principal ones will be briefly described.

#### State and Federal Programs

The principal state agency concerned with public health in the New Orleans area is the Louisiana State Board of Health. Louisiana has the distinction of having established the "first permanent State health department" in the United States.<sup>9</sup> The act, which was passed in 1855, provided for a board of nine members, six appointed by the governor and three by the New Orleans city council, and gave it both quarantine and sanitation powers.<sup>10</sup> This arrangement continued until 1898, when the legislature, as permitted by the constitution of that year, authorized the creation of local boards of health. A similar provision was included in the constitutions of 1913 and 1921. In the latter it was provided that "the Parish and Municipal Boards of Health shall be subordinate to the State Board of Health." At the present time the state board is composed of a physician-president, who is state health officer,

<sup>9</sup> The Commission on Intergovernmental Relations, *A Report to the President for Transmittal to the Congress*, June, 1955, p. 248. See also Ben Freedman, "The Establishment and Critical Points in The Early History of the Louisiana State Board of Health," in *Biennial Report of the Louisiana State Board of Health, 1954-1955*, pp. 16-62. Dr. Freedman, of the staff of the State Health Department, has done a great deal of research on the creation and early history of the Louisiana State Board of Health, and to him goes the credit for securing recognition of the fact that Louisiana was the first state to have a permanent board.

<sup>10</sup> State quarantine continued until 1906, when the legislature authorized sale or lease of the state's station to the federal government. On the history of state quarantine, see Virginia Parsons, *A Study of the Activities of the Louisiana Board of Health from 1855 to 1898 in Reference to Quarantine* (Unpublished M. A. Thesis, Tulane University, 1932).

and eight members, all of whom are appointed by the governor with the consent of the Senate. One member must be from each congressional district and five of the eight are required to be physicians. The headquarters of the board are located in New Orleans.

The authority of the state board is based on a series of legislative acts, the most important of which was passed in 1921. This act directed the board to prepare a sanitary code to include "rules, regulations and ordinances of a general as well as a specific nature, for the improvement and amelioration of the hygienic and sanitary conditions of the State." The code prepared under the authority of this act is very inclusive. Its provisions are enforced by the local-state health organization; i. e., the parish and municipal departments of health, with advice, assistance and supervision from the state office in New Orleans. The local boards of health can adopt and enforce local regulations, but they must not conflict with the state law and code.

The state health program is a complex one and it is difficult to summarize even its major features. In general, however, it can be said that prior to the passage of the federal Social Security Act of 1935, the state program was concerned almost exclusively with preventive medicine and sanitation, and that since 1935 this has been expanded somewhat through the adoption of a limited program in certain aspects of medical care.<sup>11</sup>

The distribution of smallpox vaccine in 1858 was the first state activity designed to control disease by preventive medical means.<sup>12</sup> Environmental sanitation has also long been of major concern to the state. "During the early years the filthy condition of New Orleans was the biggest sanitation problem in the state."<sup>13</sup> It is interesting to note that in 1870 the legislature created a metropolitan sanitary district for Orleans and Jefferson parishes and subsequently extended it to include St. Bernard Parish. Under these acts the state board was made responsible for maintaining metropolitan sanitation in such areas as water supply, sewerage disposal, drainage, ventilation, etc. At the present time, as already noted, the sanitary code is prepared at the state level but enforced jointly by state and local agencies. The services provided by the state department are confined largely to the recruiting, training and placement of sanitarians employed in local units; technical advisory services to local units in program planning and interpretation of laws and state policies; and planning and carrying out of emergency control measures in the event of disaster.<sup>14</sup>

The sale of certain kinds of food has been regulated since 1854 and milk has been inspected since 1870. The present program is based on the food, drug and cosmetic act of 1936 as amended, which is similar to the federal law, but can be more speedily invoked. The primary objective of the state act is to prevent the manufacture, transportation and sale of adulterated and misbranded foods, drugs, cosmetics and prophylactic devices, all of which are required to be registered before distribution or sale in the state. Those suspected of being adulterated or misbranded can be seized and disposed of as provided in the law. Plants manufacturing such products must be licensed and they, as well as storage places, are subject to inspection locally, except that in Orleans Parish the inspection is by the food and drug division of the

<sup>11</sup> See Marigayle Hopkins, *Public Medical Care in Louisiana* (Unpublished M. A. Thesis, Tulane University, 1942), pp. 37-38.

<sup>12</sup> *Biennial Report of the Louisiana State Board of Health, 1954-1955*, p. 152.

<sup>13</sup> *Ibid.*, p. 79.

<sup>14</sup> *Ibid.*, pp. 80-81.

State Department of Health.<sup>15</sup> This division also cooperates with the local office of the federal Food and Drug Administration with respect to products which enter interstate commerce, and with the United States Public Health Service in the certification of shellfish dealers.<sup>16</sup> Since 1955 the pasteurization of all milk sold in the state has been required.

The first state board of health chemical laboratory in the United States was established in New Orleans in 1870.<sup>17</sup> Its early work was simple, but with the rapid development of chemistry and bacteriology, additional laboratories became necessary. At the present time the state department operates a chemical and bacteriological diagnostic laboratory in New Orleans and five other bacteriological laboratories in other cities of the state.<sup>18</sup>

Public health engineering is also an important aspect of preventive public health work. The present division of public health engineering was organized in 1913. Its approval is required for all new water and sewage systems, as well as for major additions or extensions. It inspects public swimming pools and ice and cold storage plants, and reviews plans for the construction of schools, hospitals, nursing homes, local health centers, jails, and other public buildings. At the request of the United States Public Health Service it inspects and certifies the water supplies used by all interstate carriers except in the New Orleans port area.

As early as 1857 the president of the state board of health recommended state legislation to require the registration of all births, deaths and marriages. The chief object of such a system, he said, "considered physically, is to aid in disclosing the causes of disease; considered legally to provide the means of tracing descent and proving personal identity, and politically to aid government in arriving at correct conclusions with regard to measures of internal economy, the growth of population, etc." The legislature did not act until 1877, however, but the reporting under this and later laws was very incomplete. It was not until 1918 that Louisiana was admitted to the Bureau of the Census death registration area and 1927 to the birth registration area.

There are a number of other aspects of the state's program of public health, some of which are statewide while others are confined to the New Orleans area. For example, the state department has cooperated with the United States Public Health Service in studying air pollution in New Orleans, and it has promoted an industrial nursing program in cooperation with several New Orleans hospitals. Its dental and school health program, which is statewide, is carried on in cooperation with state and local education and welfare departments and organized community groups. The state department under an act of 1948 inspects all bedding and upholstered furniture which is manufactured or sold in the state.

Within recent years, as already noted, the state program has been concerned not only with the preventive aspects of public health, but also to some extent with medical treatment in individual cases. The latter interest can be traced back to 1918 when the legislature appropriated \$10,000 to match federal funds for venereal disease control. Clinics were opened the following year in New Orleans, Shreveport and Alexandria. These and other clinics were operated by local health units until 1943, when a rapid treatment center was

<sup>15</sup>*Ibid.*, pp. 128-129.

<sup>16</sup>*Ibid.*, p. 133.

<sup>17</sup>*Ibid.*, p. 135.

<sup>18</sup> These are located at Shreveport, Monroe, Alexandria, Lake Charles and Lafayette.



opened in New Orleans and control centralized in the state department. In 1953, however, the earlier policy of diagnosing and treating patients in the local health units was resumed. In general, a patient is given the option of having the treatment administered by his physician or in the health unit clinic.<sup>19</sup>

The state health department is also interested in the diagnosis and treatment of tuberculosis. It operates five regional clinics but in the New Orleans area relies on the facilities of Charity Hospital. In addition, there is a mobile chest X-ray unit in full-time operation in the state.

Other medical treatment programs carried on under state authority are in the fields of maternal and child health, public health nursing, and the treatment of crippled and other handicapped children. All of these programs are financed by federal, state and local funds. The first two are administered by the local health units under the general supervision and direction of the state department. The third is a state program carried on through organized clinics and hospitals in the principal cities of the state. In New Orleans bi-weekly clinics are held at Touro Infirmary. Convalescent patients and those who require special care in rehabilitation are hospitalized at the New Orleans Crippled Children's Hospital.

A second state agency with some public health functions is the Louisiana State Department of Agriculture and Immigration. These are performed principally through the Livestock Sanitary Board and the State Market Commission, both of which are located in the department. The functions of the former are in the field of prevention and control of animal diseases. The board does not maintain a New Orleans office, but has assigned a veterinarian and a supervisor to the metropolitan area. All livestock offered for sale at the local stockyards are inspected to see that the animals are free of disease. This work is carried on in cooperation with the Agricultural Research Service of the United States Department of Agriculture and its local animal inspection and quarantine division, since both the state and federal governments have regulations governing the movement of livestock into the state. The federal agency also checks the meat on vessels which come from countries whose animals are restricted for entry into the United States. Such vessels may be required to dispose of their garbage aboard ship and not dump it in the port area.

The Agricultural Research Service also has a meat inspection division office in New Orleans, which inspects for cleanliness and wholesomeness all meat which is to go into interstate or foreign commerce. Both imports and exports are inspected on the application of either the shipper or consignee. In addition, it carries on a continuing inspection of local slaughterhouses and processing plants which ship any of their products out of the state. Those which do only a local business, however, are subject to inspection by the state department of health under the provisions of the state law and sanitary code. The federal meat inspection office also investigates the reported shipment or sale of uninspected meat. Its services are also used by federal institutions and installations in the New Orleans area on the basis of a memorandum of understanding between it and each such agency.

The public health work of the State Market Commission in the New Orleans area is carried on in large part in cooperation with the local offices of the United States Agricultural Marketing Service. Both agencies have sections or divisions for dairy and poultry and for fruits and vegetables. The inspection and grading of dairy and poultry products, other than milk, are performed

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<sup>19</sup> *Biennial Report of the Louisiana State Board of Health, 1954-1955*, pp. 178-181.



under a cooperative agreement which has been in effect since 1951.<sup>20</sup> The work is done by inspectors licensed by the United States Department of Agriculture, whose services are available on a fee basis at the request of any interested party. Their services are also available to state and federal institutions, and are used by most of the major steamship lines which enter the port of New Orleans.<sup>21</sup>

Fresh fruits and vegetables are inspected by federal-state inspectors, who also certify for grade in accordance with federal standards. Federal inspection is voluntary and therefore on a fee basis, but state inspection is compulsory, although the use of federal standards is permissive. The inspection is of produce in the hands of middlemen, but not of that offered for sale by the farmers themselves. Most of the federal-state inspections are in the French Market and Poydras Street marketing areas.

There are two other federal agencies with offices in New Orleans which perform important health functions. These are the Public Health Service and the Food and Drug Administration of the Department of Health, Education and Welfare.

As already noted, the Public Health Service operates a hospital in New Orleans for the primary benefit of American seamen and military personnel. It also operates quarantine and vessel sanitation stations. Although federal quarantine legislation was passed as early as 1878, it was not until 1906 that control of the quarantine station in New Orleans was taken over by the federal government. The station, which was originally located down the river near the entrance to the Gulf of Mexico, was moved in 1932 to the West Bank of the river in Orleans Parish. It is responsible for administering federal quarantine regulations as respects all ships and airplanes which arrive in New Orleans from foreign countries,<sup>22</sup> and for the medical examination of immigrants for the Immigration and Naturalization Service.

Prior to World War II medical officers were used as inspectors. The routine nature of most inspections, the shortage of doctors and improved methods of disease control led at that time to the use of non-medical but specially trained inspectors. The New Orleans station is in charge of a medical officer, with a staff of quarantine and vessel sanitation inspectors. If an inspector is in doubt about passing an individual or clearing a vessel, the medical officer is summoned before final approval is given.

Every ship arriving from a foreign port must stop at the quarantine anchorage where it is boarded by an inspector, who examines the visas and health certificates of passengers and crew. There is no physical examination of any person unless the ship doctor reports illness on board or there is no ship doctor, which may be the case if the vessel carries only a small number of passengers. In the case of airplanes, the passengers are not given a physical examination unless they are obviously ill or have a discernible physical or mental condition which may render them subject to deportation under the immigration laws. There are very few persons who are not passed. Those who are

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<sup>20</sup> Louisiana Department of Agriculture and Immigration, *Thirty-Eighth Annual Report, 1956-1957*, p. 80.

<sup>21</sup> *Ibid.*, pp. 80-81.

<sup>22</sup> There are approximately 260 ships and 1800 airplanes per year which come from abroad.

not are held for further examination at the United States Public Health Hospital or placed under surveillance; i. e. released but ordered to report if they become ill at a later date. Pets are also subject to quarantine regulations but are not a major problem.

The vessel sanitation inspectors attached to the quarantine station inspect and spray planes arriving from foreign countries and examine ships for evidence of rats, mosquitoes and larvae. American vessels may also be inspected for rats and if free, given a "deratting" certificate. Some of them are also subject to inspection by a federal vessel sanitation inspector whose office is under the sanitary engineering division of the Public Health Service and independent of the quarantine station. This inspection is for the purpose of determining whether both vessels in service and those being built meet federal rat-proofing standards.

The Food and Drug Administration has one of its sixteen district field offices in New Orleans, and this office serves the states of Louisiana, Alabama and Mississippi, as well as about two-thirds of Texas. Its major work is in connection with the enforcement within the district of the federal Food, Drug and Cosmetic Act. The enforcement of this act involves inspection of plants which manufacture products covered by the law and of such products which are shipped to the United States from abroad. Plant inspection is at irregular intervals to determine whether the products are manufactured in accordance with federal standards. Samples of such products may be taken by the inspector for analysis in the laboratory which is operated as a part of the district office.

Foods, drugs and cosmetics shipped from abroad are inspected and analyzed at the discretion of the district office following daily examination of the invoices received by the New Orleans office of the Customs Service or on request of the customs office itself where there is doubt as to whether the product meets federal health standards. This cooperation between the two agencies is facilitated by reason of the fact that both are housed in the local custom house. For other ports located in the New Orleans food and drug administration district, inspection and analysis are largely on the basis of samples taken by local customs inspectors and sent to the New Orleans office. The laboratory will also analyze the content of any manufactured product covered by the law which is shipped in interstate or foreign commerce whenever it receives a complaint about it from any source.

Federal food and drug inspectors have only limited jurisdiction over retail drug stores and public eating places. They investigate the former to see that dangerous drugs are sold to the public only on the authorization of licensed practitioners. They inspect the latter to determine whether the provisions of the oleomargarine amendment to the Food, Drug and Cosmetic Act are being observed. This amendment "prohibits the serving of a colored oleomargarine by a public eating place or its possession in a form ready for serving, unless a notice stating that margarine is served is displayed prominently and conspicuously in such place and manner that it is likely to be read and understood by the ordinary consumer, or is printed or otherwise set forth on the menu in type not smaller than that normally used to designate other food items."<sup>23</sup> Yellow margarine served in public eating places must also be either labelled as such or served in triangular pieces.

<sup>23</sup> E. C. Boudreaux, "Enforcement of the Oleomargarine Amendment," *Food, Drug and Cosmetic Law Journal*, December, 1952, pp. 810-811.

The Food, Drug and Cosmetic Act provides for enforcement through the federal courts. However, cases in which speedier action is desirable are frequently turned over to the state or city departments of health, since Louisiana has an excellent food and drug act. The Food and Drug Administration also cooperates with the State Board of Pharmacy and the New Orleans police department in certain types of drug cases.

In addition to the federal agencies mentioned above, there are a number of others that have local offices in New Orleans with more limited responsibilities in the public health field.<sup>24</sup> These include the Fish and Wildlife Service of the Department of the Interior, the Bureau of Narcotics of the Treasury Department, the Army Engineers, the Coast Guard, the Department of Labor, the Federal Trade Commission, and the Agricultural Extension Service. The last-named agency, which is supported by federal, state and local funds, is represented by a county agent and a home demonstration agent in each of the three parishes in the metropolitan area.

### New Orleans Programs

The principal public health problem in the New Orleans area throughout the nineteenth century was yellow fever. From 1796 to 1905 there were 65 epidemics.<sup>25</sup> Medical opinion in the city was divided as to the cause of this dread disease and the best method of preventing it. One group of doctors thought that it was imported from disease-ridden parts of Central America and the West Indies, and so favored quarantine laws. Another group thought that it was indigenous to New Orleans and so favored general sanitation laws.<sup>26</sup> Business groups with conflicting interests were similarly divided, and people generally were confused.

Although the state legislature by special law created during the first half of the nineteenth century several boards of health for New Orleans, they were not mentioned in the early charters. Insofar as the city's health was protected by municipal authority, it was done under the general powers granted to the city by its various charters. Beginning in 1855, as already noted, the state board of health took over the health function in the city, with powers derived from both state law and city ordinance. This arrangement continued until 1898, although it was not very satisfactory, at least from the standpoint of the city. The New Orleans *Times-Democrat* in an editorial of September 8, 1898 declared that it "had worked badly from the start." Continuing, it said:

The absurdity of having one body looking after the sanitary interests of both the State of Louisiana and the City of New Orleans was pointed out time and time again, but on various pleas, among them that of economy,—no change was made . . . The question of quarantine occupied so much of its time, and was so obviously its most important work, that other and minor sanitary issues coming before it could not receive the proper attention.

In a dozen ways we were brought to see the incongruity of a board settling the problems of quarantine for the State, the next arranging some petty details of dairies in the city. The separation of these interests, sometimes conflicting, had long been recommended, but some trifling objection as to the cost prevented it it until now.<sup>27</sup>

<sup>24</sup> See Ben Freedman, *Sanitarian's Handbook, Theory and Administrative Practice*, pp. 26-27.

<sup>25</sup> A. E. Fossier, "History of Yellow Fever in Louisiana," *Louisiana Historical Quarterly*, vol. 34 (July, 1951), pp. 206-215.

<sup>26</sup> *Biennial Report of the Louisiana State Board of Health, 1954-1955*, p. 20.

<sup>27</sup> Quoted by Paul R. Stock, *Historical Background to the Present Activities of the Board of Health of New Orleans* (Unpublished M. A. Thesis, Tulane University, 1932), pp. 5-6.



It was against this immediate background of consolidated state-city administration of the health function that the constitution of 1898 directed the legislature to create parish and municipal boards of health but provided at the same time that "until otherwise provided by law, both the president and the secretary of the State Board of Health shall be ex officio members of the Board of Health for the City of New Orleans, the president of the State Board to be the president of the local board of the City of New Orleans." This provision, however, was specifically negated by the act of 1898 which was passed to carry out the constitutional mandate and was omitted from the constitutions of 1913 and 1921. Since 1898, therefore, the city has had its own board of health.

The board created by the act of 1898 consisted of five members, three of whom were required to be practicing physicians. The board elected its own chairman, who was required to be a physician, and he became ex officio the health officer of the city. The charter of 1912 changed the composition of the board to make it consist of the mayor and commissioner of public safety, ex officio, and three members chosen by the commission council, at least one of whom was to be a physician. It also provided for a superintendent of public health but did not define his powers and duties. From 1912 to 1954 there were several changes in this organizational pattern, some of which were apparently the result of confusion as to whether the board should be constituted as provided in the charter, in amendments to the general state health law, or in special laws passed by the legislature. Also there were times when there seemed to be no conformity to either charter or law; as, for example, in 1925-1926 when the board consisted of six members with a secretary. In 1941 the city had two salaried health officers, the chairman of the board of health and the head of the department of health. This was in spite of the fact that state law provided that "no member of the board with the exception of the health officer, if he is a member of the board, shall receive any pay or emoluments in any way for services rendered as a member of the board."<sup>28</sup>

The research report prepared for the charter committee in 1951 declared that "five persons are supposed to comprise the Board of Health: three practicing physicians, one member of the municipal government, and one person without limitation."<sup>29</sup> It cited as authority the charter of 1912 as amended in 1950 and the provisions of the revised statutes,<sup>30</sup> and pointed out that the board of health was "organized as a city board rather than a parish board . . . because New Orleans is excluded from the provision of law relating to the creation of parish boards."<sup>31</sup>

The city charter which was adopted in 1954 provided that:

- (1) The Department of Health shall consist of a Board of Health composed of five persons appointed as provided by applicable State law, and a Director of Health, to be appointed by the Chief Administrative Officer with the approval of the Mayor.
- (2) The director shall have had at least five years experience in the administration of health programs in either public or private agencies, and shall possess such other qualifications as may be required of a health officer by applicable State law. The Council may appoint the Director of Health as one of the members of the Board, and with the consent of the State Board of Health, he shall be the health officer of the City, and the executive officer of the Department of Health.

<sup>28</sup> 1926 Acts, No. 296; *Board and Commission Reports, op. cit.*, No. 2.

<sup>29</sup> *Ibid.*, p. 2.

<sup>30</sup> L.R.S., Title 40, Secs. 31-61.

<sup>31</sup> *Board and Commission Reports, op. cit.*, No. 2.



Its functions are thus stated in the charter:

The Department of Health, through the Board of Health, and subject to applicable State law, shall:

- (1) Protect the health of the people of the City.
- (2) Enforce the State Sanitary Code.
- (3) Adopt and enforce local health and sanitary regulations.
- (4) Make such health inspections and examinations as may be required by law and, with the approval of the Council, institute and conduct programs of public health.
- (5) Investigate the causes and institute measures for the control of epidemic, preventable and communicable diseases.
- (6) Operate and manage hospitals owned by the City.
- (7) Collect and maintain vital statistics, records and other data relating to the health of the community; issue marriage licenses and burial permits; and record and certify births, marriages and deaths.
- (8) Perform such other duties required by this Charter or assigned in writing by the Mayor.

This enumeration of functions is followed by a concluding statement regarding powers:

The powers, duties and function of the Department shall be as provided by this Charter, by ordinance, and by State law applicable to local Boards of Health.

The term "applicable state law" or its equivalent is used at least four times in the sections of the charter quoted above as a limitation on the city's department of health. It is impossible to determine, however, precisely what is applicable state law. The general state statutes provide for municipal boards of health to be appointed by the local legislative bodies. They are to consist of five persons, three of whom are, where practicable, to be physicians, one, a member of the municipal government, and one, without limitation as to his occupation or profession. The local health officer who is to be appointed by the municipal board is required to be a physician who is skilled in sanitary science. Municipal boards must act "under the supervision and advice of the State Board of Health," make monthly reports to it and furnish such other information as may be required.

Despite these provisions of the general state law and of the city charter, the New Orleans Department of Health is administratively independent of the state health department and is so recognized by the latter.<sup>32</sup> It enforces within the city the state law and sanitary code, but is in no way supervised or controlled by the state department. Friendly relations exist between the two agencies, but there are no official channels of communication between them and apparently the state department has not within recent years tried to establish any.<sup>33</sup>

The two previously had one cooperative undertaking—the public health training center, which was established in 1946 but is now operated entirely by the state. The center offers pre-service and in-service training for professional and clerical workers of both agencies and supplies field experience for student interns and observational training for public health workers from foreign countries. It maintains a public health library of approximately 8000 volumes, which parish health units are encouraged to use.

<sup>32</sup> *Biennial Report of the Louisiana State Board of Health, 1954-1955*, p. 70.

<sup>33</sup> See *Biennial Report of the Louisiana State Board of Health, 1956-1957*, pp. 82-85. This report, which deals primarily with the parish health departments, contains very little information about the city department.

The city department receives no funds from the state, being financed entirely by city appropriations, except for a small sum, which comes from the federal government and is earmarked for maternal and child health care. City appropriations in 1957 totalled \$826,924 of which \$55,000 went as a subsidy to the Society for Prevention of Cruelty to Animals for its services in the removal of unlicensed and unhealthy animals from the streets and the operation of the dog pound.

The head of the city department of health is a board, which consists at the present time of five persons, all of whom are physicians, appointed by the mayor with the consent of the council. The executive officer of the board is the director of health, who, as provided in the charter, is appointed by the chief administrative officer. The department has over 200 employees, all but three of whom are under city civil service.

As already noted, the city health department administers without supervision by the state department the provisions of the state law and sanitary code, except that inspections under the food, drug and cosmetics act in Orleans Parish are by the state agency. In addition, the New Orleans department enforces the provisions of ordinances enacted by the city council. These are extensive and detailed, prohibiting such diverse practices as smoking on street cars, acceptance by any laundry of clothes from infected premises, sleeping in bakeries, and throwing garbage and trash on the streets. Separate chapters of the city code are devoted to such subjects as rats, mosquitoes and flies, ice, barbershops and beauty shops, and housing improvement and slum prevention.

The principal operating bureaus of the city department are vital records, communicable disease control, tuberculosis control, public health nursing, maternal and child health, venereal disease control, sanitation and pest control. The largest bureaus are public health sanitation, with a staff of over forty sanitarians and sanitary inspectors, and public health nursing, with about the same number of nurses. The former are used to enforce both state laws and city ordinances in the fields of environmental sanitation and food and milk control.

Inspectors are shifted between the areas of general sanitation and food control, with their duties assigned on a daily basis. The inspection may be on the department's initiative or on complaint. It covers not only the establishments where food is sold but also fresh and frozen foods. The latter may be subjected to laboratory tests by the city chemist, who is in the department of health.

There is a separate crew of milk inspectors, who pick up samples of raw milk daily at various places in the city. Only Grade A pasteurized milk can be sold, and there are detailed provisions in both the sanitary code and the city ordinances to prevent contamination at any point from dairy barn to home delivery. The department of course has nothing to do with milk prices. These are fixed under federal law in accordance with a milk marketing agreement for the New Orleans area.

The bureau of public health nursing was organized in 1941, when the department of health took over payment of the salaries of forty-two nurses who were on the staff of the Child Welfare Association, although paid by the parish welfare department.<sup>34</sup> Shortly thereafter a maternal and child

<sup>34</sup> *New Orleans Item*, May 2, 1954. This is one of a series of eleven articles by Thomas Sancton on "The Board of Health," which were published by this newspaper from April 26 to May 7, 1954.

health bureau was set up to provide medical service to eligible mothers and children. In order to receive either nursing or medical care the income of husband and wife must be less than \$175 per month with an additional \$15 allowed for each child. Public health nurses visit the homes of low-income families where they give bedside care to the sick and instruct the patient or members of his family in matters of diet, hygiene, etc. The maternal and child welfare bureau operates five clinics in various sections of the city which are staffed by part-time physicians.

In addition to the dental and child health clinics, the city health department also has a tuberculosis and a venereal disease clinic. It also operates two mobile units, one of which is for blood testing and the other for chest x-rays. A consultative service is maintained for tuberculosis control which may be used by any physician in the city.

The city health department also operates a free dispensary, which is supported by the income from the Sickles Fund. This fund was established in 1864 when the city received by bequest the residue of the estate of Simon Sickles, who stipulated that the funds should be used for "the establishment of a city dispensary for the gratuitous dispensing of medicine and medical advice to the poor." Although the city took no immediate action to carry out the terms of the bequest, it was paying medical bills as early as 1872. Payments were stopped in 1877, however, because they were "far in excess of the revenue derived from the investment."<sup>35</sup> In 1896 administration of the dispensary was turned over to Charity Hospital, but this arrangement lasted only a few months. The board of commissioners for the fund was then directed to pay the interest to the mayor to be used by him as specified in the will.

By 1911 the fund had increased to approximately \$108,000. At that time the board of administrators was reorganized and given the power itself to establish a free dispensary and to set up a method of financial administration under the finance department of the city. The board was abolished by the present city charter, however, since neither the will nor any law required its continuance. Its functions, being of a medical nature, were assumed by the Department of Health in accordance with charter provisions.<sup>36</sup> The investment of the principal of the fund is now controlled by the Board of City Trusts. The proceeds are held by the director of finance in a separate trust fund and can be withdrawn only on the authorization of the Board of City Trusts after certification by the health department that they are to be used in accordance with the terms of the Sickles will.<sup>37</sup> If the city trust board and the health department disagree as to the propriety of the intended use, the mayor must secure an opinion from the city attorney, which is binding.

During the past few years the fund has provided from eleven to fourteen thousand free prescriptions per year. Most of the persons who receive them come from Charity Hospital, the social service department of which has certified that they are residents of the city and are too poor to pay for the medicines prescribed. The principal of the fund now amounts to approximately \$86,000.

There is one part of the health function in New Orleans which is performed under the direction of the Orleans Parish school board. The board's department of hygiene and child welfare, established in 1907, is responsible

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<sup>35</sup> *Board and Commission Reports, op. cit.*, No. 12.

<sup>36</sup> *Home Rule Charter*, Art. X, Sec. 10-107.

<sup>37</sup> Memorandum from the files of the Department of Law, June 11, 1954.



for the public school health program. This department has a staff of physicians, who serve part-time, and approximately twenty-five full-time nurses. It operates the Moss Clinic, where orthopedic, ophthalmological and psychiatric services are provided for public school students referred to it by the school nurses. Dental health services are also provided, but for dental treatment the child is referred to the city health department. Smallpox, diphtheria and poliomyelitis immunizations are given at the clinic. The staff is also responsible for giving physical examinations to students in the public schools and for inspection of students after absence due to contagious disease.

This health program does not extend to the parochial and private schools. The New Orleans Department of Health provides dental treatment for children in both public and private schools whose parents are financially unable to provide it, but the service is limited. The department also has a small school health division, which gives upon request vaccinations and prophylactic immunizations to any pupil in the parochial or private schools. Some additional medical treatment is also provided for children from low-income homes.

The division of responsibility for school health service between the school board and the city department of health has been criticized at various times. A survey made in 1949 under the joint sponsorship of the Council of Social Agencies and the Mayor's Committee on School Health Services declared that:

It is apparent that children in neither the public nor the private schools of New Orleans are receiving an adequate return for the money and professional effort invested in the health services. Nearly 40 per cent of them attend schools where there is almost no health service supplied. Significant gaps exist, and the current health program has many outstanding weaknesses. The health program, as a whole, is unbalanced, as the result of the absence of joint planning, or, more correctly, as the result of entirely separate and uncoordinated planning, by two unrelated responsible departments. This dual administration, in addition to its effect on the whole health program, necessitates dual administrative personnel. This is wasteful of professional time and talent, it is economically wasteful, and, because neither department can offer adequate salaries under the present circumstances, it prevents both from securing well qualified medical, dental, and nursing supervisory staffs.<sup>38</sup>

The survey team expressed its very strong conviction that all school health programs should be under the department of health, but for various "compelling" reasons did not recommend an immediate transfer. It did recommend, however, the creation of a joint committee, with representation from both agencies, which would be responsible for establishing policies and planning the school health program.<sup>39</sup> The following year the Bureau of Governmental Research recommended the withdrawal of the school board from the field of child health except for the employment of a consultant in an advisory capacity. In order to facilitate the consolidation of school medical services, it proposed that the school board appropriate to the health department an amount equal to the present cost of its medical field services.<sup>40</sup> No action has yet been taken on either of these recommendations.

Another agency in the city which has some public health functions is the Orleans Parish welfare department. Its role is limited to allowances in assist-

<sup>38</sup> *Survey of School Health Services in the City of New Orleans*, published through the cooperation of the Louisiana State Department of Health, pp. 118-119.

<sup>39</sup> *Ibid.*, pp. 120-121.

<sup>40</sup> Bureau of Governmental Research, *Administrative Organization and Relationships in the New Orleans Public School System*, p. 25.



ance grants for medical, dental and nursing home care. In old age assistance and aid to the needy blind cases,<sup>41</sup> a medical allowance of \$5 per month is automatically included, and in all assistance categories, a regular grant up to \$10 per month can be allowed "if there are specific and verifiable needs."<sup>42</sup> This can be increased through special grants when "the allowance is required either for the relief of severe suffering or for corrective action to prevent permanent impairment." Special grants are also available under the aid to dependent children and disability and general assistance programs. Special payments for dental care can be secured in certain categories, but "only if the treatment is part of a medical plan, for rehabilitation, or if there is an emergency involving acute pain and suffering."<sup>43</sup>

Payments for nursing home care are made directly to the homes, which must be licensed by the state department of hospitals and meet the standards of the department of public welfare. The maximum monthly payment is \$110, but, where medical services are needed, doctor and drug bills are also paid as a special grant. The number of doctor visits, type of drugs furnished, and charges are limited, with no payment made to doctors if the patient is hospitalized. Eligibility for special grants under this and other programs is based on medical certification and the lack of other free sources of care.<sup>44</sup>

The needs of welfare recipients for medical payments are determined in several ways. The individual can present a medical report from his own doctor, or he can be examined at Charity Hospital. The parish welfare department also operates a clinic at Charity Hospital one afternoon a week, for which two doctors are employed on a part-time basis. The doctors are selected on the basis of recommendations by the parish medical society and are changed periodically. All applicants for special medical payments are also interviewed by a medical social worker, and approval of applications is by a review team of two doctors and a medical social worker in the state office at Baton Rouge.

Another local agency performing some public health functions is the city's Department of Sanitation, which is responsible for garbage and trash collection and disposal and for street cleaning. Until about fifty years ago, the city's garbage was loaded on barges, hauled downstream, and dumped in the Mississippi River. Later a swamp area known as the Agricultural Dump was used. The garbage was collected by mule carts and carried to a receiving station on the Public Belt Railroad, where it was loaded on side dump cars which ran out to a high trestle above the dump and there it was discharged. This system was abandoned in 1929 with the establishment of the present incineration program.<sup>45</sup>

Prior to 1946 garbage collection was by an agency known as the division of public works. In 1946, however, a division of sanitation was created within the Department of Public Property and in 1950 a separate Department of Sanitation was set up. The existing organization was continued under the home rule charter of 1954.<sup>46</sup>

<sup>41</sup> See Chapter V for a discussion of the various public welfare categories.

<sup>42</sup> Public Affairs Research Council, "Medical Care for Welfare Recipients," in *PAR Analysis*, February, 1958, p. 8.

<sup>43</sup> *Ibid.*, p. 7.

<sup>44</sup> *Ibid.*, pp. 6-7.

<sup>45</sup> Letter from George Rittiner, Director of Sanitation, August 29, 1957.

<sup>46</sup> *Ibid.*

In addition to its street cleaning and garbage and trash collection and disposal functions, the department is responsible for "keeping streets, vacant lots and other places free from weeds and deleterious matter."<sup>47</sup>

The department estimates that its daily garbage collection, Monday through Saturday, averages 550 tons, with three collections a week from each household. Most of the collections are made with enclosed packer-type trucks and the remainder are to be converted in the near future. Trash, which is collected once a week, is about 40 per cent of the daily garbage tonnage. In both cases, because of limitations on the size of each collection, large commercial establishments must provide for removal of their own waste and other refuse.

The Department of Sanitation has the second largest budget among city agencies, being exceeded only by the police department. Its principal problem is labor turnover, particularly in garbage collection, where it runs as high as 40 per cent in a six-month period.

There is one private agency in the public health field in New Orleans whose relationship to the city is unique. This is the Institute of Mental Hygiene, which is a corporation, chartered in 1937 for the purpose of study, research and treatment in the field of mental hygiene and psychiatry. Under the terms of an agreement between the city of New Orleans and Samuel Zemurray, chairman of the board of directors of the United Fruit Company, the latter turned over to the city 5000 shares of United Fruit Company stock which the city was to sell and then purchase all the capital stock of the Franklin Liberty Realty Company, which in turn was to be liquidated. The property thus acquired was to be administered by and the income used to support an Institute of Mental Hygiene. This and all other property of the Institute up to a maximum of \$2,500,000 was to be tax exempt. If the terms of the agreement should be held to be invalid or unenforceable by a court of last resort, the property or its proceeds would revert to the donor or his heirs. Finally, the Institute was to be administered by a board consisting of the mayor; three persons designated by Mr. Zemurray; three by the Institute for Child Guidance;<sup>48</sup> and one each by Tulane and Louisiana State universities, the Orleans Parish school board and the Roman Catholic Archbishop of New Orleans. The term of office for most appointees was three years, except in the case of Mr. Zemurray, whose appointments were for life, and after his death, self-perpetuating.<sup>49</sup> The terms of this agreement were embodied in an ordinance<sup>50</sup> and an act of incorporation, with the original appointees as incorporators.

Since its creation the Institute of Mental Health has engaged in various transactions involving the transfer or purchase of property, each executed by the mayor or Department of Finance with the authorization of the council. Its relationship to the city, however, is not clear. In 1950 the prospective purchaser of some property held by the city for the Institute petitioned for a declaratory judgment on the legality of the sale. The question involved was whether the private sale of property held by the city for the Institute violated the section of the charter requiring the disposition of property by public sale only. The civil district court decided in favor of the petitioner, a rehearing was denied by the supreme court, and so judgment by the court of appeals

<sup>47</sup> *Home Rule Charter*, Ch. 8.

<sup>48</sup> After expiration of their terms, by the directors of the Community Chest.

<sup>49</sup> The size of the board was increased to fourteen in 1947, the three additional members to be appointed by the board of directors.

<sup>50</sup> Ordinance 14,661, Commission Council Series.

affirming the decision of the lower court became final. The opinion refers to the city as the trustee of the Zemurray trust, but is "not sure that the property is held in fee simple." The property is said not be public property because it is not used in the conduct of government but is held for a specifically designated purpose. As the author of the report on the Institute to the charter committee points out, the court does not consider the validity of the donation, but presumes its validity and reconciles the conditions of the donation with the provisions of the city charter. Whatever the relationship of the Institute is to the city, it apparently cannot, because of the reverter clause in the donation, be changed without the consent of the donor.<sup>51</sup>

### Jefferson Parish

Public health programs in the parishes of Louisiana had their origin in a legislative act of 1882, which authorized the police jury of any parish to constitute itself a board of health and to choose a registered physician as its executive officer. Local boards of health were made subordinate to the state board, and were required to act in harmony with it and to report annually a summary of their operations.<sup>52</sup>

This organization was changed several times before the present state health law was passed in 1921.<sup>53</sup> As amended, this law provides that parish boards of health shall consist of five members to be appointed by the police jury, three of whom, where practicable, shall be physicians. Of the other two, one is required to be engaged in educational work in the public schools of the parish, and the other is to be selected without limitation. The parish board is required to "act under the supervision and advice of the State Board of Health." It selects with the approval of the state board a health officer who is required to be a physician "skilled in sanitary science." The police jury may contract with the state board of health and other agencies to establish a parish health unit and to appropriate and disburse funds for its support "in accordance with the terms of a budget having the approval of both the parish and state boards of health." The parish health officer is required to execute the sanitary laws and regulations of the state under the state health officer, as well as the rules and ordinances of the parish board.

The health unit in Jefferson Parish has been in operation since April, 1942.<sup>54</sup> Prior to that time, although no local program was in effect, the state had sent in health personnel at its own expense to meet some of the local needs. Despite the requirement that the police jury of the parish create a five-member board of health, it has never done so. As a result, the jury and its successor have in fact served as the parish board. Since its establishment, there have been five health officers, the present incumbent having served since 1949. The present staff is composed of more than seventy-five persons, all of whom are under state civil service. In addition to the health officer and his assistant, who is also a physician, the staff includes six part-time physicians, who serve as clinicians, more than twenty nurses, seventeen

<sup>51</sup> *Board and Commission Reports, op. cit.*, No. 68.

<sup>52</sup> Herbert G. Purcell, *The Police Jury of Louisiana* (Unpublished M. A. Thesis, Louisiana State University, 1932).

<sup>53</sup> 1921 Acts, No. 79.

<sup>54</sup> For a brief discussion of the Jefferson Parish program, see *Biennial Report of the Louisiana State Board of Health, 1956-1957*, pp. 65-68.



sanitarians, several public health educators, a nutritionist, a venereal disease investigator, a dental hygienist, several medical social consultants, an engineering aide, an x-ray technician, a number of animal wardens, nurses aides, and clerical and custodial employees.

The programs conducted by the unit include nutritional work, dental care, immunization, venereal disease control, sanitation, health education, maternal and child care, rabies control and tubercular x-ray work.

Nutritional work is conducted by the unit's nutritionist who advises on matters relating to diet and nutrition. Dental care is given on the basis of financial need and is primarily for grade-school children. Four dental clinics per month are held on each bank of the river. Immunization work covers typhoid, poliomyelitis, diphtheria, tetanus and smallpox. Clinics are held at the health center on both sides of the river and at field stations. One venereal disease investigator serves both parts of the parish and, in addition, works in several other nearby parishes.

The responsibility for enforcing the state, parish, and municipal sanitary regulations is entrusted to the staff of sanitarians. A listing of some of the assignments indicates the breadth of their responsibilities. In areas not covered by public sewerage facilities, cesspools must be inspected. Public sewerage and water systems are checked. Food manufacturers, slaughter houses, sea food plants, bakeries, ice cream plants, restaurants, etc. are inspected. The sanitation staff also inspects to ascertain maintenance of industrial safety. It passes on the cleanliness of public vehicles, swimming pools, theaters, trailer courts, schools, storage plants, warehouses, food and water supply on intercoastal shipping facilities, public buildings, public and private parks, garbage disposal and processing facilities, hospitals, hotels, ice plants, itinerant shows, beauty parlors, etc. Among its duties is enforcement of parish trash, milk, hog, and rabies ordinances. In addition a special program under its supervision is a larvicide and rodent control survey.

The child care program is handled through child health clinics. In addition there are pre-natal clinics, which are free. This service is rendered primarily to low income individuals because the delivery of children cannot be handled by the health unit. Classes are also held to train expectant parents in the care of infants.

The rabies control division is charged with the task of operating a rabies control center, which includes a kennel for impounding, observing, and inoculating small animals. Tuberculosis control is through an x-ray unit consisting of two mobile units to administer chest x-rays.

Because of the extensiveness of the program and the fact that the parish is divided by the Mississippi River, facilities have always been maintained on both sides of the river. The main office is in Harvey on the West Bank with another office on Airline Highway on the East Bank. The rabies control center is on the West Bank, with a branch office at Grand Isle. In addition, clinics are held at various places throughout the parish. In 1957 fifteen different locations for these clinics were used on the West Bank and fourteen on the East Bank. These included fire stations, community centers, churches and other similar buildings. Revenue to operate the health unit is obtained from a three-mill parish-wide tax and from state and federal funds. The local tax yielded almost \$300,000 in 1957-58 and other sources, \$45,000.



Due to the comprehensiveness of the program, the health unit has found it desirable to work closely with other governmental units. It is of course closely supervised by the state health department through budgetary and personnel controls. The state health department has also assisted the parish in making special surveys and has made its laboratory services available. The United States Public Health Service has provided aid in several areas, including a venereal disease survey. Assistance has also been given by the United States Coast Guard through inspection of food and water supplies on ships docked in parish waters. On the local level, the health unit has provided services free of charge to the four municipalities in the parish, whose sanitary codes it enforces.<sup>55</sup> Its facilities are also used by the welfare department, principally in determining medical grants under the public assistance program.

In Jefferson Parish, prior to 1958, garbage collection and disposal was, except in two incorporated places, handled on a district basis. The authority for the creation of such districts was a constitutional amendment of 1938, which authorized the police jury to create garbage districts in unincorporated areas.<sup>56</sup> Although the jury was to be the governing body, it could, and on the request of fifty per cent of the district taxpayers, was required to appoint a three-member supervising board for a term of four years. Under this authority four districts were created—the first on the East Bank in 1944 and the others on the West Bank in 1945 and 1957.

The largest district, which included the entire East Bank had an estimated population of 90,000 and an assessed property valuation of approximately \$53,000,000. District No. 2 had over 25,000 inhabitants and property assessed at over \$20,000,000. The other two districts, for which figures were not available, did not begin operations until 1958. Districts No. 1 and No. 2 were similarly administered and performed the same functions—garbage and trash collection and incineration. Each had a board of supervisors, who appointed a superintendent. The police jury seems not to have interested itself in board operations except when major questions of policy, such as a proposed bond issue, were being discussed. On such occasions the president and other members of the jury might attend the meetings. The revenues of both districts were derived from bond issues and ad valorem taxes. In addition, District No. 1 received payments from the cities of Kenner and Harahan, with which it had contracts for collecting and disposing of their garbage and trash.

As in the case of other functions performed by special districts, the 1958 reorganization provided for a departmental consolidation of the garbage function. A department of sanitation was created, which now supplies central direction and control. Operations, however, are still carried on by districts since each had its own tax rate and bonded indebtedness which could not be consolidated. The contracts with Kenner and Harahan are also continued.

The other two cities—Gretna and Westwego—collect their own garbage. In the former, it is done by the public works department, which also handles water supply and sewerage. In the latter, it is done by public works employees under the direction of one of the aldermen. Gretna makes three pick-ups per week and has an incinerator, constructed in 1951 with the proceeds from a \$275,000 bond issue. Westwego has two collections per week which are disposed of by dumping.

<sup>55</sup> The sanitary codes in the municipalities are for the most part identical with those of the parish and state, but they are separate in that each has enacted its own code by ordinance.

<sup>56</sup> *Constitution*, Art. XIV, Sec. 34.

### St. Bernard Parish

The St. Bernard Parish health unit has been in operation only since April 1, 1957.<sup>57</sup> Its governing body is a five-member board appointed by the police jury. The health director is a district health officer, serving also Tangipahoa and St. Helena parishes. He devotes two days per week to the St. Bernard unit and is paid on that basis. The staff of the unit consists of two part-time clinicians, three nurses, two sanitarians, a nutritionist and a venereal disease investigator. The two last-named work on a regional basis.

The main office is in Chalmette, but clinics are conducted twice a month at other points in the parish. Important among the services is the immunization program covering smallpox, diphtheria, tetanus, whooping cough, typhoid, and poliomyelitis. In addition, the unit treats venereal disease cases, and offers a pre- and post-natal care program. The sanitarians make regular inspections of all places which manufacture, retail and dispense food products. They also inspect sewerage, garbage and trash disposal facilities, take samples of water and milk for bacterial analysis, and investigate all complaints of unsanitary conditions.

Revenues to operate the unit are derived from a one-mill tax<sup>58</sup> and from state and federal funds. During the first fifteen months of operation the former yielded \$77,724; and the latter, \$21,377. Of this amount, \$68,867 was actually spent. Since this figure is for fifteen months and includes funds for capital outlay, future cost of operations is likely to be considerably less.

In St. Bernard parish there is one garbage district which has been created by the police jury under the constitutional provision permitting organization of such districts. It includes the first five wards of the parish which constitute all of the presently urbanized area. There is no board of supervisors, the police jury retaining complete control over district operations. Garbage and trash collections are supervised by the same person who is in charge of road work. Separate crews, however, are used for the two functions. A wasteland dump is used for disposal, with a bulldozer employed to level the land. Revenue is obtained almost exclusively from a three-mill tax levied on the property owners of the district. Because of the use of a dump for disposal purposes, the district has not found it necessary to incur long-term debt.

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<sup>57</sup> For a brief discussion of the St. Bernard program, see *Biennial Report of the Louisiana State Board of Health, 1956-1957*, pp. 95-96.

<sup>58</sup> During the first year of its operation a one-mill tax was also levied for construction of a building.



## CHAPTER V

### PUBLIC WELFARE

The public welfare function in metropolitan New Orleans is divided broadly into three parts: (1) the public assistance program, (2) special services, and (3) institutional care. The first is a state function, though financed in part with federal funds; the second is performed by federal, state and local agencies; and the third, by a local agency only.

#### PUBLIC ASSISTANCE

##### Orleans Parish

Prior to 1934 virtually the only form of public relief in New Orleans was subsidies, or "city alimony," paid to private agencies and institutions. Although the poor law of 1880 made relief mandatory in all the parishes of the state, New Orleans took no steps to fulfill its obligations. The Mothers Pension Law of 1920 had little effect because of small appropriations. The Children's Aid Law of 1930 failed because the state provided no money. Only in the case of the blind were annual appropriations made by the commission council.<sup>1</sup>

In 1928 and 1929 the Community Chest and the Council of Social Agencies made studies of the relief needs of the city, but the commission council took no action.<sup>2</sup> Their continued efforts, aided by the deepening depression, finally in 1933 brought a realization at city hall that action was necessary. In the meantime, various nationally known figures in the welfare field had been brought to New Orleans to discuss the establishment of a welfare department, among them Frank Bane, who was at the time director of the American Public Welfare Association. It was Mr. Bane who drafted a proposed ordinance, which, with some changes, was adopted by the commission council in February, 1934.<sup>3</sup>

This ordinance created a department of public welfare to consist of a board and an executive staff, headed by a director.<sup>4</sup> The board consisted of fifteen members, appointed for overlapping terms of ten years, and the director was required to be trained in welfare administration with at least three years experience in an executive capacity in this field. The department was given the power to "administer all funds appropriated or made available to it for the relief of destitution within the city . . . and [to] cooperate with all state and private organizations and agencies charged with the administration of funds provided for relief." It was made responsible for the development of a child care program and was placed in charge of admissions and dismissals from all public institutions and, with the approval of the commission council, could take over and operate them. It was also given certain powers with regard to private institutions and agencies. Such organizations were required to submit their requests for city appropriations through the department and to secure its approval for their methods of admission and discharge of persons. The department could also require from them such records and reports as it thought desirable.

<sup>1</sup> Margaret S. Oppenheimer, *The Department of Public Welfare of the City of New Orleans* (Unpublished M.S.W. Thesis, Tulane University, 1941), pp. 18-19.

<sup>2</sup> *Ibid.*, p. 2.

<sup>3</sup> *Ibid.*, pp. 7-15.

<sup>4</sup> Ordinance No. 14,076, Commission Council Series.



Two years later the state legislature created departments of public welfare in all the parishes to administer all forms of public assistance under the direction of the state department of welfare.<sup>5</sup> The act provided that in Orleans Parish the board should consist of from five to fifteen members, as the governor might determine, to be appointed by the commission council for a four-year term from a list, consisting of twice the number to be selected, submitted by the state department of welfare. The local board was empowered to appoint its own director from a list of eligibles certified by the state department as meeting such qualifications as it might prescribe. The duties of the parish department were to administer "all forms of public assistance in the parish including home relief, indoor and outdoor care for those in need, old age assistance, assistance to the blind, crippled and otherwise handicapped children, except medical and health service, the responsibility for which may be vested" elsewhere.

This act greatly reduced the powers of the city department by confining them to the development of a child care program and supervision over public institutions and city subsidies to private agencies. Even its responsibilities with respect to public institutions had to be shared with the parish board. Shortly after the passage of the act the city ordinance was amended to make the city department "subject to the rules and regulations of the State Department of Public Welfare as provided by law except in regard to those matters which are by their nature the affairs of the municipality and not subject to state regulation under existing law."<sup>6</sup> At the same time the city board was reconstituted to consist of from five to fifteen persons to be appointed by the mayor for a four-year term. It also provided that the mayor might in his discretion name the members of the parish board as members of the city board and that if he did, the state act would prevail so far as the qualifications of the director were concerned.

These provisions made it possible for the same persons to serve as members of both boards with the same director. This type of organization was immediately adopted when the mayor named as members of the city board the previously appointed members of the parish board. A new director was then named to serve both boards.

At the outset the two boards functioned as one. Separate meetings were not held nor separate minutes kept. In 1938, however, all parish boards were made advisory only and the term of members was increased to five years.<sup>7</sup> At the same time the state director was given the power to appoint the local director. This act did not affect the city board, however, which retained its purely local powers. Although the membership of the two boards has been identical since 1938, their functions are different. In one capacity the board has only advisory powers; in another capacity, its powers are administrative. This of course creates a dual relationship between the board and the director and makes the separation of its functions important from an administrative standpoint. The situation is a confusing one, particularly to the public. The parish office under a director with an advisory board administers the state program of public assistance; the city agency under the same board with the same director administers the city's welfare institutions.

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<sup>5</sup> 1936 Acts, No. 14.

<sup>6</sup> Ordinance No. 14,516, Commission Council Series.

<sup>7</sup> 1938 Acts, No. 344.

At the outset, the welfare program was financed with Federal Emergency Relief Administration funds and an emergency appropriation by the city. As already noted, the legislature of 1936 created the State Department of Public Welfare and the state became eligible for federal funds under the Social Security Act for old age assistance, aid to the needy blind and aid to dependent children. The state act also authorized the use of state and local funds for child welfare services and for disabled persons between the ages of eighteen and sixty-five, neither category having been covered by the federal law.

During its first ten years the welfare program in New Orleans grew rapidly. In 1934, 1435 families received assistance; in 1944 the number had grown to 11,074. Expenditures likewise increased from \$55,807 to \$4,107,109.<sup>8</sup> In 1948 the legislature liberalized the state eligibility requirements and established a minimum need of \$50 a month for any person entitled to old age assistance and of \$45 when two or more persons in the same household were eligible. It also removed from the law all reference to the responsibility of relatives to care for the aged members of their families.<sup>9</sup> As a result there was another big increase in the number of grants and in the expenditures for all categories. For example, within one month the number of old age assistance grants in New Orleans increased 41.7 per cent and payments, 121 per cent. The average grant in June, 1948 for persons over 65 years of age was \$27.65; in July it was \$47.54.<sup>10</sup>

The next major development occurred in 1950 when Congress provided federal funds for the care of incapacitated persons between the ages of eighteen and sixty-five. As a result, the state welfare board abolished what had previously been known as "others assistance" and created two new categories—disability assistance and general assistance. Since that time the former has been financed jointly by the state and federal governments; the latter, by the state alone. Another result of the passage of the federal act was the creation in New Orleans of a medical social review team, consisting of a physician and a social worker, to review all disability assistance cases. It has also been given the responsibility of reviewing all cases in the aid to dependent children and general assistance categories.

Since 1950 there have been few changes in the public assistance program. The principal one was in 1957 when a new plan for providing medical care to welfare recipients was put into effect, which is financed jointly by state and federal funds. This program was discussed in the preceding chapter.

At the present time there are five categories of public assistance. These are old age assistance, aid to dependent children, aid to the needy blind, disability assistance and general assistance. The funds for the first four categories are derived entirely from state and federal sources. The state's share, which is about 40 per cent, comes principally from a 2 per cent state-wide sales tax, while the federal portion is paid to the state from the annual congressional appropriations for the different categories. General assistance, on the other hand, is financed entirely by state appropriations. Since all these programs are state-wide in operation, they will not be described in detail.

<sup>8</sup> New Orleans Department of Public Welfare, *Through Twenty Years, 1934-1954*, p. 15.

<sup>9</sup> *Ibid.*, p. 25.

<sup>10</sup> *Ibid.*, p. 26. ,

Old age assistance is payable to persons sixty-five years of age or older who actually reside in the parish and have lived in the state continuously for one year preceding the application and for three of the past nine years. In addition, such a person must not be an inmate of a public institution and must not have sufficient income "to provide a reasonable subsistence compatible with decency and health." The minimum need for a person entitled to old age assistance is declared by state law to be \$65 per month, or \$45 for each of two or more eligible persons in the same household. In 1959 such recipients were paid \$72 and \$66 respectively.

Aid to dependent children is a money grant to needy children under sixteen years of age, or under eighteen if regularly in school, who have been deprived of parental support by reason of the death, continued absence from home or mental incapacity of the parent and who are living in their own homes or with relatives. The child must have lived in the state for at least one year or, if less than that, the relative with whom he lives must have been a state resident for a year preceding the birth. The grants vary from \$68 for one child to \$145 for seven or more.

Aid to the needy blind is supplied to any person "who has no vision, or whose vision, with correcting glasses, is so defective as to prevent the performance of ordinary activities for which the eyesight is essential."<sup>11</sup> Such a person is eligible for assistance if he resides in the parish and has lost his sight while a resident of the state, or has lived in the state continuously for one year and for three of the past nine years. Also he must not be an inmate of a public institution nor publicly solicit alms while receiving aid. The amount of the grant is \$95 per month.

The next two forms of public assistance, disability and general assistance, are for persons who are in need because they are ill or handicapped and are unable to work. The eligibility requirements are the same for both programs except for age and degree of disability. Under the former, the applicant must be eighteen years old and the disability must be total and permanent; under the latter, he can be less than eighteen and the disability can be either temporary and total or permanent and partial. In both cases the person must have lived in Louisiana for three years out of the last nine, the last year of which was continuous, and he must not be receiving other public assistance in his own behalf. The grants for both disability and general assistance are \$58 for one person and \$75 for two or more.

As noted above, the city does not bear any part of the cost of financing these programs. It does, however, appropriate a small sum for emergency assistance to able-bodied persons who are unemployed and who are not yet eligible for regular unemployment benefits. In order to receive such assistance, the person must be registered for work with the local employment service office. The amount of the assistance is limited to the cost of food for one week and one month's rent.

All of the public assistance programs are administered locally by the parish director of public welfare, who is the head of the New Orleans office of the bureau of public assistance of the state department of welfare. The parish board consists of nine members appointed by the mayor with the consent of the council from lists submitted by the state welfare board. The local board is responsible by state law for advising and suggesting "such policies and procedures for local administration as are not in conflict with

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<sup>11</sup> *L.R.S.*, Title 46, Sec. 291.

any of the state laws or the rules and regulations of the State Department of Public Welfare."<sup>12</sup> The staff consists of approximately 270 employees, all of whom are under state civil service. There are three district offices, located in different parts of the city, to which persons can go for information or to make application for any of the five forms of public assistance.

The parish welfare department works closely with a number of other local agencies and offices, including in particular the city health department and the Tulane and L.S.U. schools of social work. It uses as many as forty student interns per year from the two schools.

### Jefferson Parish

The public assistance program in Jefferson Parish, as in Orleans, is supervised by a director, who is appointed by the state office in Baton Rouge, with a board, whose duties are only advisory. The unit had its origin in a welfare committee set up in 1935, which was financed in part from a local one-cent gasoline tax.<sup>13</sup> Since the advent of the state program, however, it has received no local funds. The parish office is located in Gretna in its own building, which is new and well-designed. It has a staff of approximately forty persons, plus several student interns from the Tulane University School of Social Work. There are no branch offices, although a staff member is sent to three locations in the parish at least once a week to take applications.

The unit works in close cooperation with the parish health office. There are joint monthly meetings of the supervisory staffs of the two agencies, and the public health office performs various medical services for the welfare office. The latter also works closely with the New Orleans office of the vocational rehabilitation division, a representative of which visits the parish weekly and uses the welfare office as his headquarters.

### St. Bernard Parish

The public assistance program in St. Bernard Parish is administered by a district office, which serves also Plaquemines Parish. The office itself is located in Plaquemines in a former railway station which is more than one hundred years old. Except for the fact that the office serves two parishes, the administrative organization is the same as in other parishes of the state. There is a staff of six, and one branch office—also in Plaquemines Parish—which is open all the time.

The principal problem in the administration of the public assistance program in the St. Bernard-Plaquemines district is distance. Most of the area is very sparsely populated, and it is well over a hundred miles from the district office to the most distant point which is inhabited. In some instances this involves a long day's journey by both car and boat. Both parishes have a very low recipient rate.

<sup>12</sup> L.R.S., Title 46, Sec. 59.

<sup>13</sup> *Jefferson Parish Yearly Review*, 1958, p. 29. A brief history of earlier programs for the care of orphans and paupers is given in *Inventory of the Parish Archives of Louisiana*, No. 26, *op. cit.*, pp. 12-13. See also Harold Schilke, *One Hundred Years of Public Welfare Administration by the Police Jury of Jefferson Parish* (Unpublished M.S.W. Thesis, Tulane University, 1937).



### SPECIAL SERVICES

The special welfare services provided in the New Orleans metropolitan area are in the fields of (1) child welfare, (2) services to the blind, (3) vocational rehabilitation, and (4) probation and parole. The first two, like public assistance, are administered by the state department of welfare but are not supervised by the parish director of welfare. They are under the New Orleans offices of other bureaus of the department. Vocational rehabilitation is under the state department of education, but not under the parish school board. Probation and parole are in the hands of various agencies—federal, state and local.

#### Child Welfare

The child welfare program is for the benefit of dependent and neglected children. The state welfare act gives to the department of public welfare the power to

establish, extend and strengthen services for such children in parish and district departments; license and supervise all parish, municipal and private agencies, institutions and individuals, caring for children, including visitatorial powers, under the rules and regulations of the state department; contract with private individuals to hold their homes open for and to care for children in need of temporary or long time foster care and provide such other services for children as may be authorized by law.

This program differs from "aid to dependent children" in that it makes no money grants based on need to children living in their own homes or with relatives. It is concerned with the care of children whose family life is seriously disturbed or who are abandoned or surrendered by their parents.

There are two offices of the bureau of child welfare located in New Orleans. One is an area office which supervises the entire child welfare program in Jefferson, St. Bernard and Plaquemines parishes but only the licensing and adoption programs in Orleans Parish. The other is a local office, which administers the remainder of the program; i.e., foster care and services to children in their own homes, for Orleans Parish only. The area office supervises local offices in Jefferson Parish and the St. Bernard-Plaquemines district, but does not supervise the local office in Orleans Parish, which, like the area office, is supervised directly from Baton Rouge.

The private facilities in New Orleans which are licensed through the area office include maternity and child care homes, day nurseries, and adoption placement agencies. Licenses are usually granted for a period of one year, and all institutions and agencies are inspected before their licenses are renewed.

Any unmarried minor under seventeen years of age may be adopted by a single person over twenty-one years of age or by a married couple jointly. Children may be placed for adoption by the welfare department, by an approved private agency or simply by a petition directed to a juvenile or district court acting as a juvenile court. The department of welfare has the responsibility of studying proposed adoptions and of reporting its findings to the judge. After the interlocutory decree has been issued, it must also maintain contact with the proposed adoptive home either directly or through the placement agency and submit another report before the final decree is issued six months later.<sup>14</sup>

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<sup>14</sup> L.R.S., Title 9, Secs. 427-432.

Referrals to the New Orleans office of the bureau of child welfare can be made by any person or organization, including the juvenile court and the police department. There are two public child care institutions in the city to which children can be sent—The Sophie L. Gumble Home and the Milne Municipal Boys Home. Since they are city institutions, the bureau pays the city department of welfare for this service. Because there is no Negro institution comparable to the Gumbel Home, colored children are placed temporarily in approved private receiving homes. Longer term care for both white and colored children is in private or state institutions or in foster homes.

Children from Jefferson and St. Bernard parishes who are under the direct care of the bureau are all in private institutions or foster homes. The bureau has agreements with various white and colored institutions, all of which are located in New Orleans, to care for such children on a temporary basis. In all three parishes there are about as many children who live in their own homes, to whom the bureau renders service, as there are in institutions and foster homes. In such cases the bureau works with parents on a voluntary basis where possible, but if necessary, it will go to the appropriate court for authority to act.

### Services to the Blind

Services to the blind are rendered by an area office of the bureau for the blind and sight conservation of the State Department of Public welfare, which is located in New Orleans but serves approximately twelve parishes. The principal function of this office is to promote the economic security of the blind by providing teaching and counselling services and by setting up and supervising vending stands and other small business enterprises. The initial equipment and stock are provided by the state, and the stands may be located in either public or privately-owned buildings. The bureau also administers a program of sight conservation and prevention of blindness. An optical aid clinic is operated at the New Orleans Eye, Ear, Nose and Throat Hospital, a private institution where treatment and glasses are available for persons who are legally blind.

### Vocational Rehabilitation

Vocational rehabilitation, other than for the blind, is a function of the New Orleans district office of a division of the state department of education. It is a federal-state program, which receives no local funds.

The basic purpose of the program is to bring back or improve the ability of disabled persons to perform useful work. Medical help is provided where needed in hospitals, homes or offices. Physical aids, such as hearing devices, artificial limbs, etc., are supplied. The division will also help in training for and finding jobs and in providing the necessary tools. If a disabled person cannot pay for these services, the division pays a part, or all, of the bill.

The local office, which serves seven parishes, works closely with other agencies in the welfare and health fields. Counsellors are stationed in Charity Hospital and in the New Orleans office of the Division of Employment Security. They are also sent periodically to the welfare offices in Jefferson and St. Bernard parishes.

## Probation and Parole

Probation and parole are functions which are administered in the New Orleans area by the state board of parole, the state department of welfare, the juvenile courts of Orleans and Jefferson parishes, and the federal probation and parole office. The state board of parole, which administers the adult parole program, has no local offices, and so is not here considered.

The probation program for adults is under the supervision of the bureau of probation and parole of the state department of welfare, which has an area office in New Orleans serving the three metropolitan parishes, plus Plaquemines. This office supervises for the most part persons who have pleaded or been found guilty in a criminal district court of a felony other than a capital offense and have had their sentences suspended under such terms as the court deems best. Persons on probation are required to file with the area office monthly reports in writing and are also in most cases visited monthly by a probation officer. The latter can either arrest violators or report them to other officers who have the power of arrest. In addition to supervising adults who have been placed on probation, the bureau is sometimes requested by the criminal court to conduct pre-sentence investigations and make recommendations with respect to suspension of sentence. It is also requested in some instances to supervise persons on probation who have been convicted in juvenile court of criminal neglect of family.

Both Orleans and Jefferson parishes have juvenile courts, the latter established in 1959. The former has jurisdiction

except for capital crimes and crimes defined by any law defining attempted aggravated rape committed by children fifteen years of age or older, of proceedings concerning neglected or delinquent children under seventeen years of age, and of the trial of all persons charged with contributing to the neglect or delinquency of children under seventeen years of age, or with the violation of any law now in existence or hereafter enacted for the protection of the physical, moral wellbeing of children under seventeen years of age not punishable by death or hard labor. Said court shall also have jurisdiction of all cases of desertion or non-support of children by either parent, or of non-support of wives by their husbands and also of the adoption of children under seventeen years of age.<sup>15</sup>

The latter was set up under another constitutional provision giving the legislature power to establish separate juvenile courts for any parish or group of parishes and a general act of 1950.<sup>16</sup> The Orleans court, which is governed by the same act, has three judges who are popularly elected for a term of eight years. The Jefferson court has only one judge.

Juvenile probation in Orleans Parish is under the supervision of the juvenile court and a director of probation appointed by it. There is a staff of ten officers. Delinquency cases are usually referrals from the juvenile bureau of the police department. A preliminary investigation is conducted by the probation department, and, if it appears that the child is in such condition or surroundings that his welfare requires that immediate action be taken for his protection, the court will order that he be taken into custody and held in detention.

Three institutions have been used for such detention. They were the Milne Municipal Boys Home for boys, the Convent of the Good Shepherd for girls, and the parish prison for both boys and girls when the other institutions

<sup>15</sup> *Constitution*, Art. VII, Section 96.

<sup>16</sup> 1950 Acts, No. 82.

were filled or the child could not be controlled. With the completion of the new Youth Study Center in 1959, however, these institutions are no longer used for this purpose.

The decision to build the Youth Study Center was preceded by a study of the city's juvenile detention needs which was done by the National Probation and Parole Association.<sup>17</sup> On the basis of a total daily occupancy of eighty-seven boys and girls in the three existing detention facilities and the continuation of present practices, the report pointed out that an institution for at least ninety-four children would be necessary. If, however, "there is an increase in probation staff to make possible sound detention intake procedures, as recommended, it is estimated that a detention home should be built to accomodate 50 children."<sup>18</sup> Since the latter recommendation required a smaller outlay of capital funds, it was accepted by the city, and the new institution was placed under the direction of the juvenile court. Since it was expected that the Center would be completed by mid-1959, the court requested an appropriation of approximately \$122,000 for its operation for the remainder of the budget year. When this figure was reduced nearly 50 per cent by the mayor, the judges refused to operate the Center. Responsibility for its operation was then turned over to the city's department of welfare.

The new facility was badly needed. The report of the National Probation and Parole Association pointed out that none of the institutions used for juvenile detention was suitable for the purpose.<sup>19</sup> The Milne Home and the Convent were maintained primarily for the longer term care and rehabilitation of children committed by the court. Detention in the parish prison was criticized, particularly because of the mingling of juvenile and adult offenders.<sup>20</sup> Since both the Milne Home and the Convent of the Good Shepherd controlled their own admissions, there was no institution other than the prison in which rejected juveniles could be detained. It was also found that "at least fifty per cent of the youngsters placed in the parish prison were held beyond the two weeks usually required to prepare a case for court."

On the other hand, the report praised the "professionally trained workers" on the probation director's staff, but deplored the lack of a sufficiently large number to give adequate supervision to probationers. It pointed out that 90 per cent of the probation officer's time was going into the adjustment of cases without referral to the court, the making of social investigations and the preparation of cases for court, and less than 10 per cent into the supervision of children on probation.<sup>21</sup> This situation was underscored again in 1957 when the director of probation declared in a written memorandum that as a result of personnel shortage "the Probation Department finds itself facing an impossible task," and "is presently unable to provide adequate case studies, and probation supervision is virtually nonexistent as far as the average probationer is concerned."<sup>22</sup> The situation seems to be the same in 1959 as it was when this memorandum was prepared.

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<sup>17</sup> Sherman Norman, *Juvenile Detention and Related Needs for the Orleans Parish Juvenile Court*, 1955.

<sup>18</sup> *Ibid.*, p. 48.

<sup>19</sup> *Ibid.*, p. 9.

<sup>20</sup> *Ibid.*, pp. 21-25.

<sup>21</sup> *Ibid.*, p. 36.

<sup>22</sup> A. M. Wright, *The Problem Confronting the Probation Department of the Orleans Parish Juvenile Court*, mimeographed, p. 1.



The probation department of the juvenile court has no jurisdiction over juvenile parole. This is under the supervision of the area office of the bureau of probation and parole of the state department of welfare. This office also handles parole and probation in Jefferson Parish and probation in St. Bernard. Upon request, however, it will conduct pre-hearing investigations in any juvenile case and social investigations for state institutions. Jefferson and St. Bernard parishes have had one probation and parole officer each attached to the respective district courts, with whom the area office has worked in close cooperation. The establishment of a juvenile court in Jefferson Parish in 1959 will mean that this officer and others who may be provided will be attached to the new court.

Both the Orleans and Jefferson juvenile courts have jurisdiction over adults in cases involving non-support of children and contributing to the delinquency of a minor. The probation department of the Orleans court, has no responsibility for the supervision of adults on probation or for the collection of alimony in divorce cases. Two of the three juvenile court judges in Orleans Parish use the services of the area office of the bureau of probation and parole in adult probation cases. Adults placed on probation by the third judge are apparently subject to no supervision. Alimony payments in Orleans Parish are made to clerks attached to the juvenile court but under the control of the criminal sheriff.

There is also in New Orleans a United States probation and parole office, which is under the local federal district court. It handles both adult and juvenile cases within the twenty-three parish area served by the court. It conducts investigations for the United States Parole Board and supervises persons released on parole. Pre-sentence investigations are conducted in all juvenile cases and for adults when ordered by the court. Adults released on probation are supervised by the local office. Juveniles who are arrested by a federal police officer can be placed on probation by the United States attorney under what is known as a deferred prosecution plan. If they are not deemed worthy of being treated as leniently, the probation and parole office requests, in the case of local residents, the probation department of the Orleans Parish Juvenile Court to accept supervision over them. It may refuse, particularly if it has had previous experience with the juvenile which has been unsatisfactory. This type of referral is made apparently on the theory that juvenile delinquency is basically a local problem even though the crime itself is federal. If the parish agency refuses to accept supervision, the case is heard by the federal district judge, who may commit the juvenile to a federal institution or place him on probation under the supervision of the federal probation and parole office.

The federal, state and parish probation offices work closely with each other. They exchange information and accept cases from each other in appropriate circumstances, as, for example, where adults have been placed on probation by both state and federal courts. The parish probation office accepts more cases from the federal office than it refers to it. Referrals to the federal office are commonly made only when a federal offense is discovered which was previously unknown to federal officers.

## INSTITUTIONAL CARE

In addition to the Youth Study Center, discussed above, there are in the metropolitan area three other public institutions, all of which are in New Orleans. These are the Milne Municipal Boys Home, the Touro-Shakespeare Home, and the Sophie L. Gumbel Home. The remainder of this chapter will be devoted to a discussion of these institutions, after considering first the practice of subsidizing private institutions.

## Subsidies to Private Institutions

The oldest welfare institutions in New Orleans seem to have been established by the Roman Catholic Church or as a result of private donations or bequests. In 1824 the city adopted the policy of making appropriations to private agencies and institutions. Although the practice developed slowly at first, by 1933 there were fifty-two agencies and institutions which annually received \$150,348 from the city.

In 1897 an ordinance was passed which required every charitable institution to which appropriations were made to keep detailed records and report quarterly to the board of commissioners of prisons and asylums. The requirement seems to have had little effect, and so in 1911 the board employed an "expert investigator," who was able to bring about some reforms in institutional management.<sup>23</sup> State supervision was also established in 1904 when the State Board of Charities and Corrections was given visitorial powers over all institutions, both public and private.

The method of making appropriations was frequently attacked. In 1912 recommendations for a more systematic allocation of funds were made to the city council, but no action was taken. In 1922 the Municipal Survey Commission appointed by a reform administration at city hall reported that the amounts appropriated were "determined largely by the powers of persuasion of the representatives of the various agencies" and recommended a number of changes in the system. The Tax Revision Commission of 1933 also questioned the policy of "making direct contributions to agencies that are in no way under its control" and suggested certain changes to "place the city on somewhat firmer ground."<sup>24</sup> These agencies had at that time a free hand in spending the city's appropriation without even the necessity of reporting on their activities.

It was not until the establishment of the city's department of welfare in 1934, however, that a means was provided by which effective control over private charitable institutions could be secured. As already noted, the department was "authorized to examine into the expenditure of all municipal appropriations to private organizations and agencies in the welfare field and to require such records and reports as may be necessary and desirable; and all subsequent requests for appropriations of a like nature after the passage of this ordinance shall be submitted through the department," with its recommendations.

<sup>23</sup> Leauto M. Martin, *A Study of City Subsidies to Private Charitable Institutions and Agencies in New Orleans, 1934-46* (Unpublished M. S. W. Thesis, Tulane University, 1947), p. 7.

<sup>24</sup> *A Fiscal and Administrative Survey of the City of New Orleans*, submitted to the Commission Council of the City of New Orleans by the New Orleans Tax Revision Commission, p. 114.

During its first three years of operation the city department was quite active in trying to develop a sound policy governing the relationship of the city to private charitable institutions. The results are summarized in the following quotation from its three-year report:

The Department of Public Welfare has recommended to the Commission Council and to the institutions and agencies affected, the gradual withdrawal of lump sum subsidies, and substitution, where that may be necessary, of per capita payments to institutions which are rendering services for the City to individual persons. In view, however, of the long established custom, and the dependence of some of these agencies upon city grants for carrying on their existing services; and because of the fact that adequate funds have not been available from the City to carry on programs in all the fields of service covered by these private institutions, the department has recommended that in those fields of service in which the city is operating, subsidies to private agencies be withdrawn and per capita payments substituted; but in those fields of service where the City is not yet operating, it has been recommended that lump sum grants be continued in present amounts until such time as the City can assume its proper responsibility.

In the period covered by this report, lump sum grants were withdrawn from twenty-two private agencies, and the total grants reduced from \$124,649.00 to \$94,616.00. Grants were withdrawn from eleven Homes for Aged, six Service and Relief Agencies, three Agencies for Service to Transients, and two Day Nurseries. Also payments to the Social Service Exchange were placed on the basis of payment for service rendered.

The withdrawal of City subsidies has been made with the full cooperation of the Community Chest, which has assumed from private funds such added obligations as the withdrawal of these grants has made necessary. In three Homes for the Aged per capita grants have been submitted, and in Transient Shelters occasional persons are boarded on a per capita basis.<sup>25</sup>

In spite of this good beginning, further progress was delayed. The appropriations began to rise in 1937 and reached a peak of \$182,571 in 1946. There was, however, no substantial increase in the number of agencies receiving funds from the city. In 1946 the Bureau of Governmental Research published a *Report on Contributions by the City of New Orleans to Non-Governmental Associations and Groups, 1941-1944*. It revealed how far astray the subsidy system had gone. The Bureau's list included not only charitable agencies and institutions but also hospitals, churches, convents, schools, veterans groups and civic and cultural associations. The total for the four years was \$1,173,067 in gifts, services and materials which had been donated to approximately 350 groups. The Bureau found, by way of comparison, that in 1944 New Orleans appropriated \$340,347 to private groups of all types, while seventeen other cities in the 250,000-500,000 population bracket appropriated a total of \$356,080.<sup>26</sup>

The New Orleans appropriations were lump-sum grants and were not always included in the city budget. They bore no relation to service rendered the city and were apparently made on the basis of community pressure.<sup>27</sup> Since most of them were clearly unconstitutional, the Bureau of Governmental Research urged either abandonment or legalization through the adoption of a constitutional amendment. After a proposed amendment failed to pass the legislature, pressure was brought on Mayor Morrison, who was elected in

<sup>25</sup> Department of Public Welfare, City of New Orleans, *Three Year Report, 1934-1936*, p. 14.

<sup>26</sup> Martin, *op. cit.*, p. 35.

<sup>27</sup> *Ibid.*, pp. 37-38.

1946, to reform the system. He agreed to do so, and so all agencies which could not qualify for subsidies were dropped from the 1947 budget. At the same time the sum of \$94,608 was appropriated to the department of welfare "for payments to various agencies for care of indigent persons."<sup>28</sup> The department then worked out with the different institutions a per capita system of payments. This policy has been followed since that time. In 1959 there were only eleven private institutions to which the city appropriated a total of \$19,453.<sup>29</sup>

### Milne Municipal Boys Home

The Milne Municipal Boys Home has its origins in the Milne Asylum for Destitute Orphan Boys, which was incorporated in 1839 as a result of a bequest by Alexander Milne.<sup>30</sup> The original institution was operated by this corporation until shortly before the Civil War when it was closed because of lack of funds and never reopened. Despite the closing of the institution, the corporation continued in existence since it was the owner of a large tract of land, which, however, was almost worthless due to lack of drainage. In 1887 the city council authorized the mayor to appoint a board of commissioners for the Boys House of Refuge for delinquent and vagrant juveniles. Nothing is known about this institution, which lasted at most only a few years. In 1893 the society for prevention of cruelty to children established a home for the temporary care of outcast children. After the passage of the state juvenile court act in 1908, this home accepted neglected children committed by the Orleans Parish juvenile court until 1915 when the society, because of lack of funds, turned the equipment of the home over to the city until such time as a municipal home could be provided. Some time thereafter a municipal Waif's Home was established, which was renamed in 1926 the Municipal Boys Home.

By 1922 the board of directors of the corporation which had previously operated the Milne Asylum for Destitute Orphan Boys had obtained approximately \$80,000 from the sale of a part of its land. Instead of building another institution, however, it offered the city a 99-year lease without rental on six squares of land if the city would build and operate on it an institution for destitute and delinquent boys who might be committed by the Orleans Parish Juvenile Court and for such other destitute orphan boys as the Milne Asylum board might deem necessary. Apparently the board felt that this purpose was close enough to that of the corporation to justify the offer. The city accepted, and the institution was built and named the Milne Municipal Boys Home.

Its administration was vested in a board appointed by the mayor with the addition, as provided in the lease, of one member from the board of managers of the Milne Asylum, who was designated by it. In 1945, however, the exclusive management of the institution was vested in the board of the city's department of public welfare, with the addition of an ex officio member from the Milne Asylum board who serves when matters involving the affairs of the Milne Municipal Boys Home are under consideration.

Prior to 1959 the institution was used as a detention home and training school for both white and colored boys between the ages of eight and seventeen at the time of entry. Admission was determined by the institution itself

<sup>28</sup> *Ibid.*, p. 43.

<sup>29</sup> *City of New Orleans Operating Budget*, 1959, p. 39.

<sup>30</sup> *Board and Commission Reports, op. cit.*, No. 34.



on the basis of referral by the juvenile court, the bureau of child welfare of the state welfare department or one of the city's social agencies. If the referral was by a private social agency, the Home required it to arrange with the parents for the juvenile court to take custody prior to admission.<sup>31</sup> The Home has a capacity of 124 boys—44 white and 80 Negro. When this total is reached, intake is closed.

Boys under sixteen attend a school in the Home "if they are emotionally, mentally and physically able to profit" by the experience.<sup>32</sup> This school, which is operated by the Orleans Parish school board, is in session throughout the year except for the month of August. Classes are from the first through the eighth grade. In addition to the school program, there is also a work program to which school boys may be assigned on a half or full-time basis. The program consists principally of janitorial, kitchen and laundry work.

The Milne Home has received none of its operating funds from the Milne legacy. By 1955 the trustees of the corporation which had previously operated the Milne Asylum had sold the land not leased to the city for approximately one million dollars. They decided that it was impossible to carry out the intent of the testator to establish an asylum for orphan boys, and so requested the civil district court for Orleans Parish to approve the distribution of the money to several private agencies, including the Y.M.C.A., the Boy Scouts, Tulane University, and the Associated Catholic Charities. The proposal was rejected by the district court and an appeal was taken to the Supreme Court. The City of New Orleans intervened as *amicus curiae* and filed a brief claiming the money for the Milne Municipal Boys Home. The Supreme Court upheld the decision of the district court and also rejected the claim of the city. It said in part:

We do not think that the testator intended to make his donations to delinquent boys . . . The present method of combining delinquents and destitute boys does not comply with the testator's wishes, even though the institution bears his name.

If the trustees can enter into a new arrangement with the City of New Orleans, whereby delinquent boys will be removed from the Milne Home and its use confined to destitute orphan boys, that would meet substantially all the requirements of the Milne will.<sup>33</sup>

As a result of this opinion, the city decided, as already noted, to build a detention home for both male and female juvenile delinquents. The opening of this institution in 1959 made possible, as noted above, the removal of delinquent boys from the Milne Home, leaving it to house only dependent and neglected children. It was hoped that it would then be eligible to receive the funds which the court had denied it in the opinion quoted above. Such funds were made available early in 1960.

### Touro-Shakespeare Home

The Touro-Shakespeare Home has its origin in the will of Judah Touro, who died in 1854 and left a bequest of \$80,000 for the purpose of establishing an almshouse in New Orleans.<sup>34</sup> The will specified that the almshouse should be organized according to law and that the persons legally appointed by his executors to administer its affairs and their successors in office, together with

<sup>31</sup> *Milne Boys Home Training School Handbook*, p. 3.

<sup>32</sup> *Ibid.*, p. 23.

<sup>33</sup> *In re Succession of Alexander Milne*, 230 La. 730 (1956).

<sup>34</sup> *Board and Commission Reports*, op. cit., No. 36.

the mayor and his successors in office should have perpetual direction and control of the institution. The following year the Touro Almshouse was incorporated under the perpetual direction of a board of ten members consisting of the four executors of the will and three other citizens, plus the mayor and two other elected annually by the council.<sup>35</sup>

The board proceeded in accordance with the act to purchase land and erect buildings thereon. Shortly thereafter came the Civil War and the property was apparently commandeered by the military authorities. While under their control the buildings burned to the ground and not long afterward the city of New Orleans opened a street through the property. These losses made it impossible for the board to carry out the terms of the will and so it sought relief from its responsibilities. By an act of 1867 it was authorized to turn over to the city all the property, both real and personal, which belonged to the almshouse. The act further provided that such transfer would release the board from its obligations provided that the property was not used for any purpose other than that contemplated by Mr. Touro and that the city would assume this responsibility. The council then formally accepted the property, and created a board of commissioners of the Touro almshouse fund to serve as trustee until it could be used for the purpose specified in the will.

Apparently the city took no action to establish an almshouse, however, until 1881, when the council authorized the mayor to appoint a committee to purchase property for a house and farm for the indigent out of funds contributed by the gamblers of the city. Such property was acquired, and in 1884 the council created a board of managers for the institution, which was known as the Shakespeare Almshouse. In 1901 the council authorized the board of commissioners of the Touro almshouse fund to transfer its assets to the board of managers of the Shakespeare Almshouse. At the same time the name of the institution was changed to Touro-Shakespeare Almshouse, and in 1909 to Touro-Shakespeare Home. Certain real estate, however, was not transferred, and in 1902 an act of the legislature authorized the mayor to appoint another board of commissioners of the Touro almshouse fund to administer this property for the benefit of the almshouse. In 1917 the Touro-Shakespeare Home was moved to the West Bank and in 1934 the city department of welfare was created and authorized to take over its management.<sup>36</sup> This was accomplished by designating the members of the board of the department of welfare as the board of managers of the Touro-Shakespeare Home. In 1935 the council created under the act of 1902 a board of commissioners of the Touro almshouse fund to administer the property on which the original almshouse was located, and in 1946 it was authorized to transfer all or any part of the fund to the city department of public welfare. The original almshouse property was finally sold in 1946, and the funds administered by the commissioners have been gradually transferred to the department.

At the present time Touro-Shakespeare Home accepts white men and women who are in need of institutional care, including the chronically ill, the convalescent and persons requiring custodial care. These include infirm and bed-ridden persons, as well as others who are able to care for themselves.<sup>37</sup> Preference is given to residents of New Orleans who are without any financial resources, though non-residents and applicants with assets up to \$200 or a

<sup>35</sup> 1855 Acts, No. 134.

<sup>36</sup> Ordinances 14,076 and 14,148 Commission Council Series.

<sup>37</sup> *Touro-Shakespeare Home Handbook*, 1957, p. 1.

cash income of not over \$150 per month are accepted if space permits. Such assets or income, however, must be applied on the patient's board except for an allowance of \$3 per month for spending money.

Admission to the Home, which has 140 beds, is by direct application or by referral from any case agency to the division of institutional services of the city department of welfare. There is a close relationship between this division and the parish welfare office. If the former, for example, finds in interviewing an applicant that a relief situation is involved, the case is referred to the parish agency. On the other hand, if the parish agency receives an application for admission to the Home and the situation involves no immediate relief, the case is referred to the city department for investigation. The records of each division in such cases are open to the staff of the other.

### Sophie L. Gumbel Home

The Sophie L. Gumbel Home came into existence as a result of an offer in 1917 by the children of Mrs. Gumbel to donate to the city not less than \$50,000 for the construction of a building or buildings to be used for the housing and care of blind and feeble-minded persons of the white race.<sup>38</sup> In accepting the offer the city obligated itself to set aside for the home a portion of the property which was under the administration of the board of managers of the Touro-Shakespeare Home and to place the institution under this board. It also agreed to make an annual appropriation for the operation of the home. Before the institution was opened in 1922, however, two changes in the grant had been made. These were that the home would be for the feeble-minded only<sup>39</sup> and that it would be under its own board of managers consisting of nine members, two of whom were required to be descendants of Mrs. Gumbel.

Following the establishment of the city department of public welfare in 1934, negotiations were begun looking to its taking over the management of the Gumbel Home. The Gumbel family objected, however, and so rather than take legal action, the mayor appointed the members of the welfare board as members of the board of the Gumbel Home along with two members of the Gumbel family. As a result, the department of public welfare assumed responsibility for the management of the Home in July, 1943.

Under the management of the department of welfare the Gumbel Home has gradually changed from an institution for feeble-minded girls to one which provides temporary care for dependent and neglected white children until plans can be made for their future. It has a capacity of fifty, and accepts boys from the age of two through twelve and girls from two through thirteen. Admission is at the request of the child welfare bureau of the state department of welfare, or, if the welfare office is closed, at the request of the juvenile division of the police department. Although the children are temporarily cared for by the Home, they are the continuing responsibility of the child welfare bureau either through arrangements with the parents or on court custody.<sup>40</sup> The bureau gives case work services to the child and his parents and formulates and carries out future living plans. It pays for the board of children who are under its care by court order, and the Home gives free care in other cases if the parents are not able to pay for it.

<sup>38</sup> *Board and Commission Reports, op. cit.*, No. 35.

<sup>39</sup> Ordinance 6795, Commission Council Series.

<sup>40</sup> *Sophie L. Gumbel Handbook*, 1954, p. 1.

Because the children come from a disturbed family environment, the Home tries to provide a normal life for them. They attend a nearby public school and the church of their choice. The duration of their stay in the Home depends upon the ability of the child welfare bureau to make plans for their removal. The Home prefers that his stay not exceed six months. Most children leave to return to a parent or to live with a relative or in a foster home.

The institutions discussed above are under the supervision of the combined parish-city board of public welfare, functioning through the offices of the director and a division of institutional services, the headquarters of which are in city hall. The headquarters of the board when functioning as a parish agency and of the parish director are located in the new state office building. The division of institutional services has a very small staff other than those who are employed at the three institutions.

In addition to the gifts used to establish the public institutions discussed above, the city has also received other bequests which have been used to establish private charitable institutions. One of these is the Fink Asylum for Protestant widows and orphans, which came into existence as a result of a bequest by John D. Fink, who died in 1856. This institution is administered by a board, the members of which are appointed by nine Protestant churches in the city.<sup>41</sup> The city is trustee for the institution, however, and holds title to its property. The board must make quarterly reports to the council, and the city treasurer is treasurer of the board. On the other hand, employees of the institution are not under the city civil service system, and all purchases, except of real estate, are exempt from city purchasing procedures.<sup>42</sup>

The city has recently received a bequest of approximately \$400,000 from the estate of Mrs. Helen Stanton for the construction of a home for elderly Protestant women. The Fink Asylum board proposed that this legacy be combined with the fund which it administers to construct a home on its property, but this was rejected by the Board of City Trusts in favor of a proposal by the Greater New Orleans Federation of Churches to establish a separate home for elderly men, women and couples. The city council, however, has not yet approved release of the funds for this purpose. Since the proposal is in obvious conflict with the terms of the will, it will be necessary to have court approval before the matter is settled.<sup>43</sup>

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<sup>41</sup> *Board and Commission Reports, op. cit.*, No. 15.

<sup>42</sup> *Code of the City of New Orleans*, 1956, Ch. 23, Secs. 1-6.

<sup>43</sup> *New Orleans States and New Orleans Item*, Feb. 12, 1959.





## CHAPTER VI

### PUBLIC EDUCATION

Public education in the New Orleans area is discussed under two main divisions: (1) the regular public school system, and (2) vocational education.

#### THE PUBLIC SCHOOL SYSTEM

##### State Control

The public schools of Louisiana are under joint state and local control. In order to understand the local system, it seems desirable to review first the background of state interest and control.

For approximately forty years following the purchase of Louisiana in 1803, the interest of the territorial and subsequent state government in education was expressed for the most part in subsidies to private schools.<sup>1</sup> This practice was discontinued following the adoption of a new constitution in 1845, which authorized a state-wide system of free public education for all white children. The constitutional provisions were implemented in 1847 by a general public school law.<sup>2</sup> Although there had been some earlier legislation, this act is generally regarded as initiating the public school system of the state. It established the offices of state and parish superintendents of education and provided for a state school tax and the appropriation of state funds to the parishes on the basis of the number of children between six and sixteen years of age. Orleans and Jefferson parishes were excepted from the act, since they were already operating free public schools under earlier special laws.<sup>3</sup>

The school system thus established did not have time to undergo much development before the Civil War. Furthermore, both state and local appropriations were small and there was little supervision over the individual schools. The salary of the parish superintendent was only \$300 per year under the act of 1847 and the office was abolished entirely in 1852.<sup>4</sup> It was not reestablished until 1882 after being authorized by the constitution of 1879.<sup>5</sup>

The ravages of the Civil War and reconstruction left the state in such an impoverished condition that little could be done to rebuild the public school system for years to come. Furthermore, as T. H. Harris states, "There never had been a deep-seated respect for public education throughout the state, and such as had existed, the reconstruction regime had destroyed."<sup>6</sup> Little progress was made until toward the close of the century. An act of 1888 changed the permissive system of parish appropriations by requiring police juries to appropriate one and a half mills of the property tax to the public schools. The con-

<sup>1</sup> Edwin W. Fay, *The History of Education in Louisiana* (Washington, 1898) pp. 27-45.

<sup>2</sup> 1847 Acts, No. 225.

<sup>3</sup> T. H. Harris, *The Story of Public Education in Louisiana* (New Orleans, 1924) p. 10.

<sup>4</sup> 1852 Acts, No. 310.

<sup>5</sup> Lemuel W. Higgins, *The Public Schools of Jefferson Parish Before the Civil War* (Unpublished M.A. Thesis, Tulane University, 1938), p. 62, citing 1882 Acts, No. 70.

<sup>6</sup> Harris, *op. cit.*, p. 53.

stitution of 1898 authorized special district school taxes for buildings and maintenance, thus permitting local communities to have good schools if they were willing to pay for them. The authority to hold these school tax elections was vested in the police jury.

The district system of financing the schools produced a very uneven development in the various parishes of the state and even within a single parish. Since the interest of the police jury in such elections was frequently slight, the authority to hold them was transferred in 1910 to the school board.<sup>7</sup> The latter was given the power in 1912 to use the funds which it received from the state wherever it saw fit instead of having to distribute them among the districts on the basis of the number of educables.<sup>8</sup> The same law also made the parish boards elective instead of appointed by the state board, as they had been. Another law, passed in 1914, gave them the power to create school districts consisting of the entire parish or any portion of it and reaffirmed their authority to conduct all special school tax elections.<sup>9</sup> By a gradual process, therefore, the parish became by law the unit of school administration with the parish board of education the local governing authority.<sup>10</sup> School districts can be created but only for taxing purposes.

In the meantime, state control, which had not been vigorously asserted during the nineteenth century, began to increase shortly after 1900. The first major step in this direction was in 1904 when the certification of teachers was made a function of the state board. From then until the present time there has been a gradual expansion of state power and a corresponding reduction of local control. The growth of state power has in large measure followed increased state appropriations.<sup>11</sup>

Centralization reached its peak during the Huey Long period when the schools of the state were brought under the complete control of Senator Long. This was accomplished by the famous budget act of 1935 which required the parish school boards to submit the names and salaries of all teachers whom they proposed to employ to the state budget committee, which consisted of the governor, the state superintendent of education and the treasurer. The budget committee was given the power to "strike the name of any person from any such list and make substitution of any other qualified person therefor, in its discretion, and any such person thus substituted shall be employed by the parish school board."<sup>12</sup> Fortunately this act remained in force for only a year, being replaced in 1936 by a teacher tenure law. It does not appear to have been used against any New Orleans teachers, but the removal of fifteen was announced in Jefferson Parish in July, 1935.<sup>13</sup>

Huey Long also greatly increased the state's share of educational costs. A number of new taxes were levied either by constitutional amendment or legislation, and the proceeds used to reimburse the parishes for the loss of revenue due to the depression and other causes and to increase and equalize

<sup>7</sup> 1910 Acts, No. 246.

<sup>8</sup> Harris, *op. cit.*, pp. 99-100.

<sup>9</sup> Guy C. Mitchell, *Growth of State Control of Public Education in Louisiana* (Unpublished Ph. D. dissertation, University of Michigan, 1942).

<sup>10</sup> There are three exceptions. The cities of Bogalusa, Lake Charles and Monroe are separate from the parishes in which they are located. Constitution, Art. XII, Sec. 15.

<sup>11</sup> Mitchell, *op. cit.*, p. 180.

<sup>12</sup> 1935 Acts, Third Extraordinary Session, No. 22.

<sup>13</sup> Mitchell, *op. cit.*, p. 396.

educational costs. In 1900 only 15 per cent of the cost of public education was borne by the state; in 1926, two years before Huey Long became governor, it was 20 per cent; but in 1940 it was 65 per cent.<sup>14</sup>

One of the amendments adopted in 1934 gave the parish system of school administration a constitutional basis. It provided that all parish revenues derived from both state and parish sources should be placed in a single fund which could not be divided by wards, districts or other subdivisions but had to be used exclusively to pay for the operation of schools under the control of the parish school board. This provision did not apply, however, to funds received from special taxes or bond issues voted on a district basis for constructing or repairing school buildings or purchasing school equipment.<sup>15</sup>

Not only does the state require the use of the parish as the unit of school administration but it also controls in large measure the financing and operation of the schools themselves. The constitution permits the parishes other than Orleans to levy a total of seventeen mills, twelve of which require voter approval and five are to be used only for construction, maintenance and equipment of school buildings. The sources of state funds are also prescribed, as well as the methods of allocation to the parishes. Other provisions give the state board of education power to certify teachers, approve private schools and colleges, and direct the legislature to set up a retirement system.

The constitution provides that the state board of education shall consist of eleven members, three of whom are to be elected for overlapping terms of six years from public service commission districts, and the other eight, for a term of eight years from the congressional districts into which the state is divided. The state superintendent, who is ex officio secretary of the board, is also elected, but for a term of four years. The constitution declares that the board "shall have supervision and control of all free public schools," except that it "shall not control the business affairs of parish school boards, nor the selection or removal of their directors."

In addition to these constitutional provisions, there is a large body of state laws and regulations which the parish boards must enforce. Despite the extent of state control, however, the actual administration of the schools is by the parish boards. The Peabody report of 1954 described their functions in the following words:

Parish school boards in Louisiana have general responsibility for and control of the school programs within the parish. They elect the superintendent of schools, and may or may not follow his recommendations after they have elected him. They determine the size and location of all schools and designate the schools which pupils shall attend. They employ and assign all teachers and principals, members of the administrative staff, janitors, bus drivers, lunchroom workers and other noncertificated personnel. They build and own school plants, purchase equipment and supplies, and set the time for school sessions and holidays. Theirs is the responsibility and the opportunity for making effective in their respective parishes the educational services the people want.<sup>16</sup>

<sup>14</sup> *Ibid.*, p. 513.

<sup>15</sup> *Ibid.*, p. 370.

<sup>16</sup> George Peabody College for Teachers, Division of Surveys and Field Services, *Public Education in Louisiana, A Survey Report*, p. 42.



## Orleans Parish

The movement for free public schools in New Orleans may be said to have begun with the establishment of the College of Orleans in 1811. The funds for its support came partly from state appropriations and partly from lottery proceeds and gambling house licenses.<sup>17</sup> The act establishing the college authorized the regents to appoint fifty free scholars from the poorest classes, the remainder to pay tuition. The institution was not successful and was abolished in 1826. In the same year the legislature established one central and two primary schools in New Orleans and placed them under a board appointed by the governor. Each school was required at the outset to instruct free of charge fifty poor white children and to furnish them with free textbooks. The following year the number was raised to one hundred.<sup>18</sup>

Following the division of New Orleans into three municipalities, the legislature of 1841 required each to establish within its borders one or more public schools for the free instruction of the children residing therein.<sup>19</sup> Each municipality accordingly created a board of directors to manage its schools and both grammar and high schools were set up. A normal school was also established in 1853—the first in the United States.<sup>20</sup>

Following the consolidation of the municipalities in 1852 and the annexation of LaFayette at the same time, four school districts were created, each under the control of its own board and superintendent. By 1859 there were fifty-two public schools in the city with an enrollment of 10,500 pupils.<sup>21</sup> When the city was occupied by federal troops in 1862, the commanding general consolidated the four districts and their separate school boards and brought all the schools under a single management.<sup>22</sup> This consolidation, which was confirmed by state law in 1867,<sup>23</sup> has continued in effect until the present time.<sup>24</sup>

The public schools suffered greatly during the reconstruction period and even more during the years that immediately followed. Both city and state appropriations were small and the schools were under the control of the local politicians. Terms were short and tenure was insecure. In 1883-1884 the schools did not open at all. Teachers, however, were allowed to use their rooms and make what they could from private instruction. Gradually conditions began to improve, however, and by the 1905-06 session school revenues passed the million dollar mark.

Prior to 1921 the state exercised little control over the schools of New Orleans. The constitution of that year, however, specified how the local school tax was to be levied and expended and authorized the local school board to

<sup>17</sup> Fay, *op. cit.*, pp. 31-33.

<sup>18</sup> Elsa L. Behrend, *The New Orleans Public School System since the Civil War* (Unpublished M. A. Thesis, Tulane University, 1931), pp. 2-3.

<sup>19</sup> S. C. Fitzpatrick, *Evolution of the Graded System in the Public Elementary Schools of Orleans Parish* (Unpublished M.A. Thesis, Tulane University, 1938), p. 22.

<sup>20</sup> Margaret M. Williams, *An Outline of Public School Politics in Louisiana Since the Civil War* (Unpublished M.A. Thesis, Tulane University, 1938), p. 4.

<sup>21</sup> *New Orleans City Directory*, 1895, pp. 346-367, cited by Mitchell, *op. cit.*, p. 57.

<sup>22</sup> Behrend, *op. cit.*, p. 8.

<sup>23</sup> 1867 Acts, No. 100.

<sup>24</sup> Behrend, *op. cit.*, p. 8.

incur indebtedness.<sup>25</sup> The following year an act of the legislature gave to the state board the same power over the schools of the city that it had over those of the parishes.<sup>26</sup> This has been the situation down to the present time.

Throughout the first half of the twentieth century the public school system of the city suffered from involvement in politics. The schools were under the control of the city government until 1912, and school board members were elected by wards with the support of the local political machine. An act of 1912 reduced the membership from seventeen to five and provided for their election on a city-wide basis for terms of six years. A 1922 act also tried to strengthen non-partisanship by prohibiting sample ballots or other devices "whereby attention shall be directed to the name of any nominee . . . as a factional candidate." Such a requirement, however, proved quite ineffective.

The alliance between the school board and the local political machine had several bad effects. School buildings were allowed to deteriorate. The Municipal Survey Commission reported in 1922 that, in spite of a large repair force, fourteen buildings then in use had been condemned by the state fire marshal. In 1948 the superintendent of schools reported that the ratio of maintenance workers to enrollment in the New Orleans schools was 1 to 439, whereas in Philadelphia it was 1 to 783; in Cincinnati, 1 to 1255; in Baltimore, 1 to 1760; and in New York 1 to 3950. He also pointed out that eighty cents of every dollar in the maintenance budget went for wages and only twenty cents for materials.<sup>27</sup> As recently as 1953 the deterioration of physical plant facilities was characterized by the Public Administration Service as "shocking and unbelievable."<sup>28</sup>

Furthermore, most of the school buildings were old and there was little new construction. The Bartholomew report of 1948 pointed out that of the ninety-one schools in the city, eighteen had been built before 1900 and fifty-four others between that date and 1930. Only one had been built since 1940. The report rated 37 per cent of the white and 84 per cent of the colored elementary schools as too poor to use. This was also said to be true of one-third of all the high schools.<sup>29</sup>

One of the principal sources of money for school buildings had been the McDonogh fund. This originated in a bequest by a local philanthropist, John McDonogh, who died in 1850. After making certain specific bequests, he directed that the remainder of his estate, most of which was in real estate, should be divided between New Orleans and Baltimore to be used for the free education of the poor. After a great deal of litigation, the city finally received its share in 1859 and 1860. Some of it was lost during the Civil War through investment in Confederate bonds, but this was largely recovered through better investments in later years.

It does not seem necessary to trace the use to which the funds were put during the nearly one hundred years that they lasted. The principal was not touched until 1909. By 1950 a total of thirty-two schools bore the McDonogh

<sup>25</sup> Mitchell, *op. cit.*, p. 248.

<sup>26</sup> 1922 Acts, No. 100.

<sup>27</sup> Office of the Superintendent, Orleans Parish School Board, *Proposed Program for the Improvement of the Public Schools of New Orleans*, p. 36.

<sup>28</sup> Public Administration Service, *Financing New Orleans' Twenty Year School Construction Program*, 1953, p. XI.

<sup>29</sup> Harland Bartholomew and Associates, *The Master Plan for New Orleans, Chapter 7, Schools and Recreation*, pp. 13-15.

name and the land on which many others were built was purchased with funds derived from the legacy. The commission council in 1947 authorized the use of the last of the fund to build a new elementary school in the Gentilly area.

The importance of the legacy in the development of the school system of New Orleans has been differently appraised. Alcée Fortier calls McDonogh "the greatest benefactor of public education in the history of Louisiana."<sup>30</sup> Henry Rightor says that he should be regarded as the "father of the public school system" of New Orleans.<sup>31</sup> On the other hand, T. H. Harris, state superintendent of education from 1908 to 1940, expresses a more realistic view regarding the legacy. He says, "Ultimately, like most similar noble acts, it probably did infinitely more harm than good, for the people came to rely on this inadequate fund for their school buildings, and put off entirely too long their building program."<sup>32</sup>

Another result of the politicalization of the school board was the continuous meddling by individual members in the details of school administration. The Municipal Survey Commission reported in 1922 that:

Unfortunately, the board itself and its various committees, instead of confining themselves solely to the determination of general policy, attempt to exercise administrative control over minor details which should properly be left to the executive heads employed for the purpose. This criticism applies with especial force to the control which is exercised over the appointment of subordinate employees. There can be no doubt that much of the very apparent friction on the board, with its attendant loss of valuable time, is traceable directly to this cause. To state the matter quite frankly, the individual members of the board have become so deeply engrossed in deciding whether a man or a woman shall be appointed to fill a vacancy on the stenographic staff, and whether this man or that shall be selected to serve as janitor or plumber's assistant, that they frequently overlook the more important problems which confront them in the exercise of the policy-determining functions which are rightly theirs.

As evidence of the manner in which this fundamentally unsound attitude toward employment and personnel has permeated the entire structure of the school organization, it is only necessary to cite the following extracts from the rules and by-laws of the Orleans Parish School Board, July 1917, relative to the duties of janitors. It appears that janitors are "responsible to the Committee on Buildings and Grounds"; that they "shall be under the general supervision of the Inspector of Buildings and Grounds and under the immediate supervision of the Principal"; and last, but not least, that "janitors are required to be obedient and respectful to the members of this Board." In view of the fact that the appointing power now is vested in the board rather than in the inspector of buildings where it properly belongs, it is inevitable that obedience and respect for the board members will be paramount to all other considerations in the mind of any janitor who reads his rule book carefully and with due foresight.

In 1948 the Bureau of Governmental Research, at the request of the superintendent of schools, made a study of the administrative organization of the school system, and of the administrative relationships existing among members of the central administrative staff and between them and the school board.<sup>33</sup> The report quoted a board member to the effect that he had "devoted the equivalent of 69 full working days to school problems in 1948, exclusive of evenings and night sessions of the Board or participation in community activi-

<sup>30</sup> *History of Louisiana*, Vol. IV, p. 239.

<sup>31</sup> *Standard History of New Orleans*, p. 509.

<sup>32</sup> Harris, *op. cit.*, p. 17.

<sup>33</sup> Bureau of Governmental Research, *Administrative Organization and Relationships in the New Orleans Public School System*, 1950, p. III.

ties relating to schools!"<sup>34</sup> On the basis of this and other evidence that the board had, "in effect, reduced the authority of the Superintendent by dealing directly with individual subordinate administrators on specific problems," the report made a number of specific recommendations. The gist of these was that the board should exercise its supervisory powers solely through the superintendent and that individual members should give up such practices as issuing orders to school employees and listening to grievances before they had been investigated by the superintendent. "The most important single principle of effective public administration," the report declared, "is that responsibility for the performance of the administrative function be centralized in a single administrative head and that where the head is the officer of a multi-membered governing authority the relationships between that head and the governing authority be clearly and unmistakably defined and maintained."<sup>35</sup>

The relationship between the superintendent and individual board members was publicly aired in the "hot dog" scandal of 1950, which grew out of the allegation that wieners containing horse meat were being served the children in school cafeterias. A board member publicly accused the superintendent of "incompetence and gross negligence," and the latter retaliated by charging "malpractice" on the part of the board member. As a result there was a loud demand for change. The *New Orleans Item*, for example, declared in an editorial of April 28 that "when a Board member and the Superintendent engage in a public name-calling contest, the nature of which indicates that each has been keeping a blackbook on the other's indiscretions, it is time for a new deal." It called for the election of two competent board members the following November, who with the one member "in whom we believe the majority of Orleanians have full confidence," would constitute the majority necessary to select a new superintendent.

In November, 1950 two reform candidates were elected, and the board began a constructive program which is still being carried on. After a nationwide search, a new superintendent was selected and given the necessary administrative responsibility. Prior to his arrival, however, the board established a personnel office and named a special committee to recruit and select a director. The position was advertised nationally, and ninety-three persons applied. The top candidate recommended by the committee was appointed and the new office began to function early in 1952.<sup>36</sup> Its most important accomplishment during the first year was the establishment of a non-partisan system of selecting principals. Since that time, as Louis Newman states,

The personnel office has begun setting up an integrated classification-and-pay schedule . . . Pay scales for teachers are fixed by state law, but the local system has added supplemental amounts for academic degrees and seniority. The wage rates for other departments have been increased and basic inequities removed; wage differentials based on race have been eliminated.

Active recruitment of teachers is producing results. A personnel office team visits all teacher-training institutions in the state and interviews prospective employees. The students are given a preliminary screening by the National Teacher Examination, administered for the local system by university faculties.

<sup>34</sup> *Ibid.*, p. 3.

<sup>35</sup> *Ibid.*, p. 7.

<sup>36</sup> Louis E. Newman, "How About a Civil Service for Schools," *Good Government*, Vol. LXXII, (November-December, 1955), pp. 47-48.



It is to the field of employee relations, however, that the personnel unit has devoted its greatest efforts. Through the Personnel Advisory Council, employees and supervisors have cooperated in developing better policies. The culmination of the work was the adoption by the School Board, without change, of the Council's proposed handbook on personnel policies and procedures, the first such compilation in the system's history. The handbook standardizes the handling of absences, grievances, leaves, etc., and also covers such subjects as in-service education, group insurance and credit unions. Under the leadership of the personnel office, induction-orientation sessions have been started for new teachers and a pre-school materials workshop set up. In-service training has also been expanded and revised.<sup>37</sup>

The board also established an office of planning and construction and charged it with the responsibility of developing a twenty-year building program based on predicted long-term enrollment trends in both white and colored schools. Since the studies of the new office did not deal with the cost of construction or the financial resources available, the board requested the Bureau of Governmental Research to explore the fiscal aspects of the proposed program. The Bureau in turn contracted with the Public Administration Service of Chicago to make the necessary study and report. The P.A.S. report was submitted in the fall of 1953, and, with modifications, has been used since that date as a guide to financing new construction.

The number of elementary and junior and senior high schools for white and colored students and the enrollment in each group in the 1958-59 session is shown in Table I.

TABLE I

NEW ORLEANS PUBLIC SCHOOLS: NUMBER AND ENROLLMENT,  
OCTOBER 15, 1958\*

	WHITE SCHOOLS	ENROLLMENT	NEGRO SCHOOLS	ENROLLMENT
Senior High	5	5,705	6	5,438
Jr.-Sr. High	2	1,995	1	1,013
Jr. High	8	7,183	5	5,491
Elem.-Jr. High	1	840	0	0
Elementary	47	25,040	37	34,991
Total	70	40,768	52	46,933

\* Adapted from *Facts and Finances, New Orleans Public Schools*, pp. 6-15.

The total number of employees in 1958-59 was 5115, of which 3182 were on the instructional staff.

It will be observed that, although the city's population is only about one-third colored, Negro children in the public schools outnumber white by over 6,000. This is due in part to the fact that so many white children attend Catholic schools. In 1958-59, for example, there were 37,490 white children but only 8,751 Negroes enrolled in the Catholic elementary and high schools. An additional 3,344 whites and 1,481 Negroes attended private schools.<sup>38</sup> The public schools therefore enroll only about 50 per cent of the white children, but for the colored the figure is 82 per cent.

<sup>37</sup> *Ibid.*, pp. 48-49.

<sup>38</sup> *Facts and Finances, New Orleans Public Schools*, 1958-59, pp. 18-19.

Teachers' salaries in New Orleans have advanced greatly in recent years. For example, in 1944-45 minimum and maximum salaries for teachers with a bachelor's degree were \$1161 and \$2556; in 1958-59 they were \$3340 and \$5264. The same salary scale of course prevails in both white and colored schools. Teachers are covered either by the Orleans Parish or state retirement systems. Maintenance and custodial workers are covered by a separate state system, and school lunch employees are under still another state system.

The school system is organized on the familiar 6-3-3 plan; i.e., six years of elementary; three, of junior high; and three of senior high school. Although racial segregation is still maintained, there have been several local attacks on it. In February, 1956 the federal district court in New Orleans issued a preliminary injunction enjoining the school board from "requiring and permitting" segregation and ordering desegregation "with all deliberate speed." This injunction was twice affirmed by the United States Circuit Court of Appeals, with review by the Supreme Court twice refused. In June, 1959 the circuit court affirmed the judgment, making the injunction final. Shortly thereafter a motion was filed requesting the federal district court to order the school board to present "a complete plan for bringing an end to racial segregation in the public schools of New Orleans at the earliest practicable date."<sup>39</sup> The court fixed March 1, 1960 as the deadline for preparing such a plan, but this date was subsequently postponed. Instruction in all schools is coeducational, although several separate high schools for boys and girls were maintained until 1952.

The school board offers a number of instructional services to teachers in the system, which are coordinated at the lower elementary, upper elementary and secondary levels by directors of instruction. Supervisors and consultants are also available in the various fields. A curriculum laboratory and a professional library are maintained. Audio-visual teaching tools—motion pictures, film strips, slides, pictures and records—are available, and several series of programs have been developed for use by WYES, the local educational television station. In order to help teachers check on pupil progress, standardized achievement tests are required in every odd-numbered grade from one through eleven, and group psychological tests are given to children in all grades.

The special services available for handicapped children are particularly noteworthy. Clinics are conducted for children in the third through the sixth grade who are seriously retarded in reading. There are special classes for children who have speech defects, or are hard of hearing, or deaf. Except for the deaf, such children remain in the regular classrooms and receive special instruction from itinerant teachers at scheduled periods. The deaf are taught in special classes, but as soon as they learn to speak and read lips, they are placed in a regular class.

Children whose handicaps are so great that they cannot profit from regular instruction are taught in special classes. These include those who are mentally retarded but are either educable or trainable. Such classes, which are held in the regular schools, are offered where there is a need for them. In addition, there are special classes for hospitalized and institutionalized children. These are held at Charity Hospital, Crippled Children's Hospital, Touro Infirmary, the Milne Asylum for Destitute Girls, and the Milne Municipal Boys Home.

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<sup>39</sup> *The Times-Picayune*, June 19, 1959.

Visiting teachers enforce the compulsory school attendance law in both public and non-public schools and provide case work service for maladjusted or problem children.<sup>40</sup>

Special provision is also made for high school students who have demonstrated exceptional ability in academic fields. The Benjamin Franklin senior high school was opened in 1957 with 105 students, all of whom were in the tenth grade. By adding one grade a year, the school included all the senior high grades in the 1959-60 session. In order to be eligible for admission to the tenth grade, a student must have an I.Q. of at least 120 and pass an achievement test with a score which is no lower than his grade level. Admission to the eleventh grade requires an average grade of 90 in academic subjects for the previous year and a rank at or above the 95th percentile on standardized achievement tests. No applications for new admissions to the twelfth grade are accepted.<sup>41</sup>

In addition to these special programs, there are others for adults. The oldest is the regular evening school program, which was started early in the present century. There are classes in all the grades, and the work, which is fully accredited, is on the same basis as that offered in the daytime, with textbooks furnished without cost. The program is financed entirely by the local school board, and is limited to residents of Orleans Parish. The second program is a state program set up by legislative act in 1950,<sup>42</sup> the major purpose of which is to eliminate adult illiteracy. Financed entirely by the state, it offers all the grades on a part-time basis, with classes meeting in two-hour sessions three nights a week. The third program is for veterans, and is financed entirely from federal payments at the rate of \$30 per person per month. Full-time work amounts to twenty-five hours a week. Classes in all three programs are taught by regular teachers, who are paid at an hourly rate.

For school attendance purposes the city is divided into districts and every child is required to attend the school located in the district in which he resides. Permits to attend a different school may be granted by the superintendent on a yearly basis when a reason satisfactory to him is given by the parents or guardian. Children whose parents live outside the city are admitted "only on a permit issued by the superintendent after the parent has sworn an affidavit to the effect that such child actually resides in this parish five days each week throughout the school session and that the parent has constituted another person who shall be responsible for the attendance, scholarship and conduct of such child."<sup>43</sup> The school system operates more than fifty busses to transport children to elementary schools that are located more than a mile away from their homes and from outlying portions of the city where public transportation is not accessible. They transport about 10 per cent of the children attending public schools and a somewhat smaller number of those enrolled in the Catholic and private schools.

As the governing body of the Orleans Parish school system, the school board has the power to levy taxes and issue bonds subject only to such limitations as the state imposes. The constitution permits the board to levy an 11½ mill tax (13 mills after 1959) on all real and personal property, of which 3.75 mills can be bonded for building purposes. Another 5 mills can be levied if

<sup>40</sup> Division of Instruction, New Orleans Public Schools, *At Your Service*, 1957-1958, pp. 10-13.

<sup>41</sup> New Orleans Public Schools, *Benjamin Franklin Senior High School*, 1958, pp. 4-7.

<sup>42</sup> 1950 Acts, No. 252.

<sup>43</sup> Orleans Parish School Board, *Rules and Regulations*, p. 4.

approved by the voters. The board can also issue bonds up to \$11,000,000 for land, buildings and equipment, and beyond that figure after a referendum vote. Bond issues subject to referendum must be approved by a majority of both the property taxpayers who vote on it and of the assessed valuation which they vote. All school taxes are collected by the city and "in the manner and under the conditions and with the interest and penalties prescribed by law for City taxes."<sup>44</sup> The collections are turned over to the school board daily. In 1958-59 the board received \$10,571,053 from this source.

The school board receives no funds from the city except a part of the sum paid by the New Orleans Housing Authority to the city in lieu of taxes. The entire payment is made to the city, which in turn gives to the school board a percentage equal to the latter's part of the total tax millage levied in the parish. The board's share normally amounts to \$44,000 a year, but an additional \$50,000 a year was authorized in 1957 until a total of \$247,000 in back payments had been made.<sup>45</sup>

Receipts from state sources fall into two principal categories: (1) appropriations based on the number of educables in the parish and (2) the city's share of the state equalization fund. The constitution provides that all or a part of the revenue derived from a 2½ mill property tax, the severance tax and such other taxes or appropriations as the legislature may determine shall go into a state public school fund. Three-fourths of this fund must be apportioned among the parishes "in the proportion that the number of educable children from six to eighteen years of age, inclusive, in each parish, bears to the total number of such educable children in the State." In 1958-59 Orleans Parish received \$7,889,530 from this source.

The remaining one-fourth of the fund is required to be distributed among the parishes "on the basis of equalization, so as to provide and insure a minimum education program." The distribution formula, which is determined by the state board of education applies not only to the public school fund but also to state appropriations for teachers' and bus operators' salary support. It is based on two considerations: (1) the cost of the minimum program, and (2) the revenues available to support this program. The cost is determined on the basis of five factors: teachers' salaries, cost of transportation, and allowances for supervisors of instruction, visiting teachers and administrative and other expenses. From the total cost of the minimum program are subtracted the revenues received from the per educable distribution of the state public school fund, severance taxes returned to the parish, five mills of local taxes, and certain miscellaneous sources. The difference is the amount which the parish will receive from the equalization fund.<sup>46</sup> In 1958-59 this amounted to \$4,587,019. Additional payments by the state totalled \$1,843,863, including \$20,000 of federal funds for vocational education. Local revenues accounted for \$498,247, most of which was surplus from the previous year, so that the total operating budget of the school board for 1958-59 was \$23,550,530, of which over 60 per cent came from the state.

In addition, the board received \$1,107,403 in state and federal funds for the school lunch program, exclusive of the value of commodities. Free lunches

<sup>44</sup> *Constitution*, Art XII, Sec. 16.

<sup>45</sup> *New Orleans Item*, May 15, 16, 1957.

<sup>46</sup> See "Public School Equalization Formula," in Public Affairs Research Council of Louisiana, *News Analysis*, Nov. 15, 1956, pp. 1-3.



are served to children who are declared to be needy—about one-seventh of the total number—while others pay the actual cost of the lunch less the amount of reimbursement received from state and federal subsidies.

The major problem of the school board since World War II has been the shortage of classrooms and of funds with which to construct them. At one time as many as 11,000 pupils were on the "platoon system"; i.e., they attended school on half-day shifts. Many others have had to travel long distances because neighborhood schools were overcrowded, or, in the case of new residential areas, could not be built. The situation is improving, however. Between 1951 and 1957 eighteen new schools were built. In 1958-59 twelve additional ones were opened—the largest number ever added in a single year—and the "platoon system" was almost eliminated.<sup>47</sup>

New Orleans property owners have on two occasions in recent years rejected proposed property tax increases for the public schools. As a result, the school board has turned to the state for funds. In 1954, for example, following defeat the previous year of a proposal to increase property taxes for public education, the legislature proposed a constitutional amendment, which was subsequently approved, transferring three mills of taxes to the school board which had previously been collected by the Orleans Parish Levee Board. In the 1958-59 session additional funds were also made available to keep the schools open for a full nine months. In 1959 the president of the school board charged that every suggestion for additional revenue for the schools had been "opposed by the legislature, the city administration, civic groups or business groups—or all four." As a result, he said, the school board was being forced to use makeshift facilities, such as converting a warehouse into a school, borrowing space in a navy barracks, and keeping thousands of pupils on a half-day platoon schedule.<sup>48</sup> Since the rate of increase in enrollment is approximately 4000 per year, the problem of additional classrooms is a continuing one.

There are three publicly supported colleges or universities in New Orleans. They are the local branches of Louisiana State and Southern universities and the L.S.U. medical school. These are under the board of supervisors of the parent institutions. The branch of L.S.U. opened its doors to freshmen arts and sciences students in 1958 and will add one class per year until it becomes a four-year college in 1961. The New Orleans branch of Southern University, the state university for Negroes, was not opened until 1959.

### Jefferson Parish

In Jefferson Parish, state funds for the education of poor children were probably made available shortly after the parish was created in 1825. It was not until 1842, however, that the first real public school was opened in the city of Lafayette.<sup>49</sup> This school and others established shortly thereafter in the cities of Carrollton and Jefferson, were under the control of the respective municipalities rather than of the police jury. By 1851 there were nineteen public schools in the parish, of which thirteen were in the incorporated places. They were supported by state grants and either parish or municipal appropriations. Although funds were limited, the schools were usually in session for ten months. Boys and girls were taught in separate rooms and even their playgrounds were separate.<sup>50</sup>

<sup>47</sup> New Orleans Public Schools, *Annual Report*, 1957-1958, p. 3.

<sup>48</sup> *The Times-Picayune*, June 30, 1959.

<sup>49</sup> Higgins, *op. cit.*, pp. 18-35.

<sup>50</sup> *Ibid.*, pp. 94-95.

In 1858 the parish was divided into two parts, each with its own police jury.<sup>51</sup> This division, the Civil War, and reconstruction hurt the parish schools greatly, though the municipal schools seem not to have suffered as much as the rural.<sup>52</sup> Although the two police juries were not consolidated until 1884, unified control over the schools was reestablished in 1877. The best schools in the parish, however, were lost to New Orleans when the city absorbed Lafayette in 1852, Jefferson City in 1870 and Carrollton in 1874. The remainder were largely one and two-room schools which were usually open for less than six months. Salaries were low, and there was almost no central supervision. Gradually conditions began to improve and by 1896 Jefferson Parish was fourth among the parishes of the state in percentage of local funds allotted to public education.<sup>53</sup> In 1906 a special school tax was levied and revenues were greatly increased. The first bond issue was voted in 1922, and since that time there have been a number of others.

The funds derived from these sources, however, were totally inadequate. The population of the parish more than doubled between 1940 and 1950 and has continued at an equal or greater rate of growth during the present decade. In 1947 there were 8441 students in the public schools; in 1956 the number had increased to 25,276. Since 1950 the school board has enlarged over twenty schools and built as many new ones, but these additions were not adequate for the rapidly expanding enrollment.<sup>54</sup> In 1956 it decided to spend \$25,000 for a survey of school construction needs. This report, prepared by Sol Rosenthal, New Orleans architect, was submitted early in 1958.<sup>55</sup>

No positive action, however, was taken on the report. Instead, the school board authorized its president to sign a far-reaching contract with Southern States Securities of Louisiana, Inc. to plan, finance, and construct schools for the parish. The contract authorized the Southern States company to conduct a survey of the parish with a view to developing a long range public school program including an analysis of the ad valorem tax and revenue bond structure, existing public school services, and additional services which were needed. In carrying out its responsibilities the contract authorized the company to (1) employ architects and engineers to perform the architectural and engineering services needed by the school board; (2) employ attorneys, analytical engineers and statisticians to advise the corporation of the feasibility of all details of plans and construction; (3) supervise and inspect construction of all buildings and improvements; (4) give final inspection and approval to all projects; (5) determine whether or not certain projects are economically or legally feasible; and (6) determine the time limitation on the contract. For its services the company was to receive seven per cent of the par value of all bonds issued.<sup>56</sup>

The contract was immediately challenged in two different directions. On the one hand, the school board called an election to approve the \$10,000, 000 bond issue to be administered under the contract, but the proposal was

<sup>51</sup> 1958 Acts, No. 147.

<sup>52</sup> George C. Daul, *The Administration of the Public Schools of Jefferson Parish Since the Civil War* (Unpublished M.A. Thesis, Tulane University, 1940), pp. 6-29.

<sup>53</sup> *Ibid.*, p. 30.

<sup>54</sup> On the growth of Jefferson Parish schools, see the series of articles in the *New Orleans States*, Dec. 8-15, 1956.

<sup>55</sup> Sol Rosenthal, *Public Schools of Jefferson Parish, Louisiana: A Survey Report*, 1958.

<sup>56</sup> *The Times-Picayune*, June 5, 1958.

defeated at the polls.<sup>57</sup> Shortly thereafter the district court ruled that the contract itself was illegal. "The school board by the terms of the contract," said the court, "does divest itself of its discretion, its right and its obligation to call bond elections at a time that it . . . deems proper and necessary, and the right to dispose of the securities under such terms, rates of interest and conditions that it . . . believes lawfully to inure to the benefit of the school board and the taxpayers at large."

As a result of these defeats the school board has found itself in the position of having to provide for a school population which is increasing at the rate of 2,000 to 2,500 per year and with no long range plans for meeting this growth.

Jefferson Parish also has a teacher shortage. As a result, it has adopted a positive recruiting program. Brochures have been circulated; newspaper advertising bought; contacts made with various state colleges; and basic state pay scales supplemented. Despite these efforts, it has been necessary to issue some temporary teaching certificates.

The governing body for the Jefferson Parish school system is the popularly elected seventeen-member school board. Board responsibilities are primarily policy-making. They include choice of the superintendent, determination of the size and location of schools, pupil assignment, appointment of staff, and construction of physical plant. The present superintendent has been in office since 1940. In addition to the superintendent, the administrative staff includes an assistant superintendent, an administrative assistant, a general supervisor, two visiting teachers, a business manager, and two custodial supervisors.<sup>58</sup>

In Jefferson Parish two classes for the mentally retarded are maintained for white children on each bank of the Mississippi. In addition, there is one class for crippled and another, for blind children. Although no special vocational program is in operation, the secondary schools are divided into college preparatory, commercial, and industrial arts. From time to time adult education classes have been conducted, but in 1939 there were none.

Jefferson Parish participates in the school lunch program. Thirty thousand free lunches are served monthly to needy children, the determination of need being made by each school. Inasmuch as all schools are entitled to participate in this program, the school board is responsible for the distribution of state funds to the parochial and private schools of the parish.

The school transportation system is on a contract basis. Individuals, who are usually the drivers of the busses, agree to provide certain stipulated services in return for a payment based on the size of the bus. Although the contracts are periodically renegotiable, flexibility is restricted because the owners of the busses are the drivers, and the latter have tenure under state laws. The busses can be used by all children, regardless of whether they attend public or parochial schools.

In 1957 Jefferson parish had forty-four schools, of which thirty-three were white and eleven, Negro. Of the white schools, twenty-three were classified as elementary, seven as elementary and junior high, two as senior high, and one covered all twelve grades. Of the eleven Negro schools, nine were elementary and two included all twelve grades. In addition to the ap-

<sup>57</sup> *Ibid.*, July 2, 1958.

<sup>58</sup> State Department of Education of Louisiana, *One Hundred Eighth Annual Report* (1957).



proximately 31,000 children enrolled in the public schools, there are nearly 12,000 attending private and parochial schools. Although the number of Negro pupils is not over 25 per cent of the total, it is large enough for the desegregation issue to raise serious difficulties. Thus far there have been no desegregation suits filed.

The Jefferson Parish school budget was in excess of \$7,000,000 for 1956-57, and is growing rapidly. Of this amount approximately 60 per cent came from state and federal sources and 40 per cent, from local sources. The principal local source is the ad valorem property tax, which in 1958 was 10 mills for operating expenditures and 4.5 mills for bond retirement. It is the only parish in the state in which some school revenue is derived from a local sales tax. One-half of the 1 per cent tax goes to the school board for construction purposes.

### St. Bernard Parish

Public education in St. Bernard Parish had its origin in a special act of the legislature passed in 1835, which created a board of public schools and directed it to build a school house.<sup>59</sup> Three years later there were thirty-one pupils enrolled.<sup>60</sup> By 1861 the number of schools had increased to five, each administered by a district board, and there were 335 pupils.<sup>61</sup>

The Civil War, reconstruction, and the chaotic period which followed virtually wiped out the earlier progress. The schools were closed from 1880 to 1883 but by 1886 there were six white and five colored schools in operation.<sup>62</sup> By 1900 all the schools of the parish were operating on a nine-months basis. Progress was slow, however, because the parish was poor and sparsely populated. It was not until 1927 that the average monthly salary of white teachers reached \$100 a month, and there was no high school in the parish until 1929.<sup>63</sup>

The school board in St. Bernard parish consists of seven members, or one from each of the seven wards. The administrative head, as elsewhere in the state, is the superintendent. Other administrative personnel includes two elementary school supervisors, a visiting teacher, an administrative assistant for the lunch program, and a supervisor of transportation and custodial workers. There is no assistant superintendent, but one of the elementary school supervisors serves in that capacity in the absence of the superintendent.

At the present time there is a total of eleven schools, of which only one, teaching all twelve grades, is for colored children. There are nine elementary schools for white children, teaching the first seven grades in some cases and eight in others, with one offering all twelve grades. The only white high school is in the heavily populated Chalmette-Arabi area. The total number of children in the public schools was approximately 4800 in 1957-58, with an additional 1,029 in private and parochial schools.

<sup>59</sup> Inventory of the Parish Archives of Louisiana, No. 44, St. Bernard Parish, *op. cit.*, pp. 124-125.

<sup>60</sup> Marie Louise Renaud, *The History of the Public Schools of St. Bernard Parish to 1877* (Unpublished M.A. Thesis, Tulane University, 1946), p. 26, citing John Gibson, *Gibson's New Orleans Directory*, 1838, pp. 34-35.

<sup>61</sup> Renaud, *op. cit.*, p. 60.

<sup>62</sup> Joseph J. Davies, Jr., *The Development of Public Education in St. Bernard Parish since 1877* (Unpublished M.A. thesis, Tulane University, 1948), pp. 18-19, citing Warren Easton, *Biennial Report of the State Superintendent of Public Instruction to the General Assembly for 1884-85*, p. 85.

<sup>63</sup> *Ibid.*, p. 36.



Because of the relatively small size of the parish, there are few special educational programs. There is one class for the mentally retarded. Aside from the regular home economics and industrial arts programs, nothing is done in the field of vocational education. In the field of adult education several high school evening classes have been conducted. On demand special evening courses are offered, such as a recent one in blue print reading. There is also one class for Negro veterans seeking high school certificates.

Teaching personnel for 1958-59 totalled 181 whites and 20 Negroes, which represented an increase of more than ten per cent over the previous year. Most of the teachers hold at least a bachelor's degree, and no new teachers are hired who are not college graduates. In fact, present teachers who do not have tenure will be required to obtain degrees in order to secure permanent status. For the purpose of attracting qualified teaching personnel the parish supplements the state minimum teachers' pay by \$200 a year. An additional \$200 is paid to teachers in the two elementary schools most distant from the center of the parish population.

Because of the relatively large area of the parish in relation to its population, the ratio of school busses to student enrollment is higher than in Jefferson or Orleans parish. There are twenty-five busses and one boat owned and operated by the parish. Three of the busses are for Negro children and the remainder for white. Drivers are paid on the basis of the state pay scale. In several cases, however, drivers supplement their salaries by taking care of school heating plants where women janitors are used.

The St. Bernard school budget is slightly more than \$1,500,000, which is approximately one-twentieth that of Orleans Parish and one-fifth that of Jefferson. Local sources account for about 25 per cent of this amount. School taxes total 19.5 mills, of which ten mills are used for operating expenses and the remainder, to service bonded indebtedness. The total debt is approximately \$5,000,000, of which nearly one-half represents a recently approved bond issue for capital improvements. The most serious problem facing the St. Bernard school system is obviously financial. Since a large portion of state school aid is distributed according to a formula based on the number of educables in the preceding fiscal year, a parish in which population is expanding as rapidly as St. Bernard is faced with an annual crisis in the operation of its school system.

#### VOCATIONAL EDUCATION

One form of public education which deserves special mention for the New Orleans area is vocational education. This term is used broadly to cover pre-vocational, distributive, and trade school education. The first two of these are provided within the regular public school system, and the third, by special trade schools not under the jurisdiction of the parish school boards.

##### Pre-Vocational Training

The Orleans Parish school system is the only one of the three in the area which offers any pre-vocational training other than industrial arts and home economics. The Rabouin School, which is one of the two junior-senior high schools in the city, offers ninth and tenth grade boys, in addition to industrial arts, electricity and woodworking for two hours per day. Eleventh and twelfth grade boys go to the Delgado School for three hours of shop work

daily. Girls take homemaking, sewing or one of the distributive education courses which are offered. The Rabouin School also offers at night several non-academic courses for adults, including art, millinery, sewing, and English for foreigners.

Of the senior high schools, Nicholls (for whites) and Booker T. Washington (for Negroes) offer the most extensive programs. The former has auto mechanics, electricity, metal work, printing, and woodwork; the latter, auto mechanics, electricity, masonry and woodwork. Most of the other senior high schools have some of these programs—usually as many as the physical space permits.

### Distributive Education

The Orleans Parish school system has a distributive education program for both high school students and adults. The former, which covers retailing, wholesaling and the service occupations, is offered in all the white senior high schools, but in only one of the Negro schools. Under it the student has two regular high school courses in the morning plus an hour and a half of theoretical instruction slanted toward retailing. In the afternoons and on Saturday he works a minimum of twenty hours as a part-time employee in a New Orleans business, by which he is paid the standard wage for beginners. His on-the-job training is supervised by the teacher who gives him his theoretical instruction.

The adult program, which is conducted for the most part at night, commonly consists of one two-hour class per week. The courses, which are in such subjects as real estate law, real estate sales, insurance, public speaking, etc. are usually taught by instructors who are practitioners in the field. Most of the courses are for whites, but insurance has been offered for Negroes. All of the classes are offered without cost to the student.

### Trade Schools

There are three trade schools in the New Orleans area—two for white students and one for colored. The Isaac Delgado Central Trades School came into existence as a result of a bequest by Isaac Delgado, New Orleans business man and philanthopist, who died in 1912. He bequeathed an estimated \$925,000 in cash, securities and real estate to be used for the establishment of a trade school for boys and for its permanent equipment. By the terms of the will the city would have to "provide for the teaching force and the annual maintenance." The real estate included both city property and the Albania Plantation, located in St. Mary's Parish in southern Louisiana. The city accepted the gift and authorized a survey of existing trade schools to determine the type of buildings which should be constructed and the courses and trades which should be taught. Although the survey was completed in 1914, it was not possible, due to World War I and the city's inability to pay the school's operating costs, to open the institution until 1921.<sup>64</sup>

The Delgado school is therefore city owned and managed. It has a board of managers, which is attached to the Department of Property Management, composed of thirteen members—the mayor, the director of property management, the director of finance, one member of the legislature from Orleans Parish who is appointed by the mayor with the approval of the council, the

<sup>64</sup> Stephen I. Patureau, *A History of the Isaac Delgado Central Trades School* (Unpublished M.A. Thesis, Tulane University, 1939), pp. 30-60.

state superintendent of public instruction, one member of the Orleans Parish school board designated by the board, and seven members appointed by the mayor with the approval of the council. The terms of office of the members appointed by the mayor are overlapping and for five years. The mayor is ex officio president of the board and the city attorney is its legal advisor. There is also an advisory committee consisting of five representatives from trade associations and five from organized labor.

The board of managers has the power, under the ordinance creating it, to hire and discharge the director of the school and "to make and amend all needful rules, regulations and by-laws for the conduct and operation of said school, to establish and alter curricula or courses of study . . . to fix the grades of teachers, instructors, and professors therein; and generally to control, conduct, operate and manage" the institution.<sup>65</sup> These powers, however, are exercised subject to the approval of the city council. The faculty and staff of the school, with the exception of the director, an assistant and a secretary, are under the city civil service system and all materials and supplies used by the school are purchased through the city purchasing agent.

The Albania Plantation, which the city still owns, is managed, however, by a separate agency known as the Delgado Albania Plantation Commission. This commission, which is attached to the Department of Property Management, is composed of the director of finance, ex officio, and five other persons appointed by the mayor with the approval of the council for overlapping terms of five years. It appoints a manager who is its executive officer. The members of the commission must have had "experience in the management and operation of sugar plantations or related activities."<sup>66</sup> The commission with the approval of the council has the power "to borrow money to produce crops, and mortgage and pledge as security thereof, the crops and chattels of said plantation." Such portion of the income as is fixed by the council must be transmitted annually to the Board of City Trusts for the account of the Delgado School.<sup>67</sup>

It is obvious from the above summary that the Delgado School has imposed upon it by the city charter and ordinances a multiple type of administrative control. Stone and Gordon in a recent study of the institution's problems<sup>68</sup> found that the administrative structure was even more complicated than it appeared. They pointed out that there were two members of the board of managers—the directors of finance and of property management—who made decisions relative to the school in their individual capacities which would be denied them as members of the board. The former controlled all fiscal affairs and policies and was the custodian of the Isaac Delgado fund, and the latter, according to the city's organization chart, has supervisory control over the board itself. Furthermore, the chief business officer of the school, who

<sup>65</sup> Ordinance No. 5, Mayor Council Series, as amended by Ordinance 563, Mayor Council Series.

<sup>66</sup> *Home Rule Charter*, Section 4-1403.

<sup>67</sup> The Board of City Trusts consists of the mayor, the president of the council, the director of finance, who is treasurer, and eight other persons appointed by the mayor with the approval of the council for overlapping terms of eight years. It has the power of administering the investment of "all money and other movable property" and "all revenue producing immovable property" which is "held by the city as trustee or otherwise for public or charitable purposes." *Home Rule Charter*, Sections 5-401 and 5-402.

<sup>68</sup> Robert C. Stone and Joseph E. Gordon, *Problems and Progress of the Delgado Trade School*, mimeographed.



should report to the school director, reported to the director of finance, who is a member of the board; and the school's assistant director, who is also the secretary of the board of managers, reported in this capacity to the board rather than to the director.

Although the city of New Orleans owns and operates the Delgado School, it does not contribute to its support. In 1954, for example, the revenues of the school totalled \$344,503, of which amount 95.6 per cent came from the state and the remainder from federal and miscellaneous sources. The school has received no city appropriation since before 1950, nothing from the Albania Plantation and only \$19,500 from the Delgado Memorial Fund. The plantation, however, has operated at a profit since 1953. With regard to the stipulation in the Delgado will that "the City of New Orleans is to provide for the teaching force and the annual maintenance" of the school, Stone and Gordon comment that "possibly this statement has come to be interpreted as the City's responsibility to insure that the funds were obtained from other sources—and not to extend to the actual use of City funds."<sup>69</sup>

The Delgado school has a campus of fifty-seven acres, on which are located eleven buildings. It had a total of 2710 students in the 1955-56 session, of whom approximately 60 per cent were in night classes. About two-thirds of its students come from New Orleans. Stone and Gordon found, however, that during the past ten years every parish in the state and thirty-eight other states had been represented in the student body. In 1953-54 there were twenty-two foreign countries represented by fifty-eight students. These figures are evidence of the fact that the school is well and favorably known.

The Delgado school offers training for some seventeen different occupations. Most important from the standpoint of student enrollment are draftsmen, machinists, electricians, refrigeration, welding and radio and TV mechanics. All trade courses are planned, according to a publication of the school, "to prepare boys and men for employment in industry." This is in general accord with the purpose stated in Isaac Delgado's will, i.e., that the school shall be one "in which the boys of the grammar grades of the public schools can be taught a trade."

In 1956 the school entered into a contract with the International Cooperation Administration, the British government and the protectorate of Uganda to carry on a three-year training program at the technical institute at Kampala, Uganda. The Delgado school has five technicians stationed at the institute to give advice and assistance in the fields of electrical installation, motor vehicle repair, plumbing and pipefitting, workshop techniques and vocational teacher training. There was also an earlier program in Lebanon, but this has been completed.

Another trade school in the New Orleans area is the Jefferson Trade School, located in Gretna. This school was established by legislative act in 1948, and is one of twenty-seven such schools in the state which are under the direct supervision of the state department of education.<sup>70</sup> It is an area school, set up to serve Jefferson, Orleans, St. Bernard, Plaquemines and St. Charles parishes. As such, it offers a large number of off-campus classes, many of them in New Orleans. These accounted for about 80 per cent of the total enrollment of 1941 in 1957-58. Off-campus classes are frequently taught by instructors from the plant or institution in which they are held, with in-

<sup>69</sup> *Ibid.*, p. 138.

<sup>70</sup> See Public Affairs Research Council of Louisiana, *State Trade Schools*, 1956.



struction on how to teach given by teachers from the school. Since the state trade schools are designated by law as the institutions responsible for all apprentice-related training in the state, the Jefferson school must provide such training in the New Orleans area. This is done for the most part through evening classes at the Delgado school, which has a larger staff and better facilities.

The number of day students at the Jefferson school is not large. Women are accepted, most of them going into the business education program to train for specialized or general office work. There is no tuition for residents of the state and books and supplies are furnished by the school. The day program is entirely trade preparatory. According to a school bulletin, "every day is enrollment day [and] every day is graduation day." The length of courses varies, but in no case is longer than two years. The day program includes courses in such trades as automobile mechanics, metal work and painting, diesel mechanics, cabinet making, electrical appliances, welding, sheet metal work, and radio and television. Evening classes are also offered in which any employed person may enroll if the class is an extension of his daily work as a wage earner.

The Jefferson school has a director who is appointed by the state department of education. There is an advisory board which consists of representatives of both management and labor and a craft committee for each trade. The funds of the school come entirely from the state, but they include a small sum received from the federal government under its vocational education program. Supervision is therefore both state and federal.

The third trade school in the New Orleans area is for Negroes—the Orleans Area Vocational and Technical School. It is located in the city and was opened in 1957 to serve the same parishes as the Jefferson school. It is also under the direct supervision of the state department of education, and receives all of its funds from this source. The school offers both day and night courses, but does no off-campus work. Day courses are in sheet metal work, carpentry, auto mechanics, radio and television, commercial subjects, cosmetology, and cooking and baking. Except for cosmetology these are all two-year programs with enrollment and graduation at any time. The night program is more limited, consisting principally of training in cement masonry, carpentry and maintenance repair work.

The school can accommodate 150 students, and is operating to capacity, both day and night. A large majority of the night students are employees of the New Orleans Housing Authority who are enrolled for maintenance repair training.. There is of course no tuition and all books and supplies are furnished. The school has a staff of seven full-time day instructors and five at night, three of whom are part-time. The Orleans Parish school board gives high school credit for courses taken in the day program.

### Apprenticeship Training

In addition to the institutions discussed above, there are two other agencies in the New Orleans area which are concerned with trade education. These are the local offices of the federal bureau of apprenticeship and training and of the state division of apprenticeship, both of which are located in the Delgado school. The federal agency has only three employees and the state agency, two. The former operates under the national apprenticeship act of 1937 and the latter under a state law of 1938.<sup>71</sup> Both are responsible for promoting and

<sup>71</sup> 1938 Acts, No. 364.

and developing training and apprenticeship programs for workers who are already employed. The federal agency works with the larger plants whose business is interstate and with management associations and labor organizations which are national in character. The state agency, on the other hand, works with the smaller plants in the establishment of training programs which are suitable to their individual needs.

The work of both agencies is primarily promotional and developmental. Neither operates any program of its own, but confines its activities to working with management and labor in the establishment of approved programs. Each is assisted by local joint apprenticeship committees, composed of an equal number of employer and employee representatives, which serve in an advisory capacity. Both training and apprenticeship programs are based on written agreements which provide for work experience on the job, supplemented by related trade instruction. Most of the latter is carried on in evening courses taught at the Delgado school. The training programs are individually established for such periods of time as may be agreed upon. The apprenticeship programs, on the other hand, follow the procedures and standards adopted by employers and labor in the various trades and recommended by the federal committee on apprenticeship.<sup>72</sup> They are of at least two years duration and provide for classroom instruction of not less than 144 hours per year.

Most of the trade unions in the New Orleans area are parties to either training or apprenticeship agreements. There are also a few programs which have been set up by management alone. The city government of New Orleans had an apprenticeship program for several years, but it was abandoned because of insufficient promotional opportunities for those who completed it.

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<sup>72</sup> See U. S. Department of Labor, *Setting up an Apprenticeship Program*, 1954, pp. 1-2.



## CHAPTER VII

### RECREATION AND CULTURE

The public recreational and cultural activities of governments in New Orleans area are carried on by many different agencies. Since these agencies can be described most easily according to the type of facility or program which they operate, they are classified as follows: (1) parks, (2) organized recreational programs, (3) auditoriums, (4) museums, and (5) libraries. The library function, which is educational as well as recreational and cultural, is included here for reasons of convenience.

#### PARKS

##### New Orleans

There are two major public parks in New Orleans—City and Audubon. A third—Lake Pontchartrain—is under construction at the present time. City Park has an interesting history.<sup>1</sup> During the early 1800's much of the area was a sugar plantation. Sold to satisfy a mortgage claim in 1845, it was bought by John McDonogh, who died in 1850 and willed the land to the cities of Baltimore and New Orleans. Baltimore defaulted in its payment of taxes, and title to the entire estate was acquired by New Orleans in 1859. Even before this date, however, the city council had declared its intention of laying out a park in the area, but apparently did little to develop it. An ordinance of 1858, however, provided for a keeper of the City Park under the street commissioner.

In 1870 the state took over complete control of the park. An act passed by the reconstruction legislature of that year created a board of commissioners to be appointed by the governor and gave it all the powers of the city with respect to the park. The city, however, was required to impose and collect a property tax of one-eighth of one per cent and pay it to the board.<sup>2</sup> In 1871 the powers of the board were enlarged to permit it to acquire other land in the city to be used for park areas.<sup>3</sup> It is from this act that the authority was derived to purchase the land for what later became Audubon Park. Apparently the state board discharged its responsibilities adequately. The designers of New York's Central Park were engaged to prepare plans for the improvement of City Park, and these plans were carried out under local supervision.

In 1877 the board of park commissioners was abolished and its powers transferred to the city council. The city did little to improve the area, however, with the result that a group of private citizens formed in 1891 the City Park Improvement Association, a non-profit private corporation organized under the general laws of the state. The object of the association, as stated in the charter, was "the improvement, preservation and embellishment of that tract of land on property designated and known as 'Lower City Park' fronting on the Metairie Road in the Second District of this city and the promotion within said park of science and literature." Shortly after the organization of the association the city council turned over to it the management of the park.

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<sup>1</sup> See *Board and Commission Reports, op. cit.*, No. 82.

<sup>2</sup> 1870 Acts, No. 84.

<sup>3</sup> 1871 Acts, No. 83.



The ordinance delegated to the association the power to make rules and regulations for the government of the park, to hire employees and fix their salaries and to spend all money received from the city or other sources. The rules and regulations could not be inconsistent with city ordinances, however, and all plans for the improvement of the park had to be submitted to the city engineer for his approval. In 1896 this delegation of power to the association was confirmed by state law.<sup>4</sup> Its powers as stated in the statute were substantially the same as those conferred by the ordinance except that improvement plans did not have to be approved by the city engineer. The city was required to appropriate at least \$15,000 a year to the association. The latter in turn was obligated to make an annual financial report to the city council and a biennial report to the state legislature. Violators of park rules and regulations were to be prosecuted in the city, as opposed to the state, courts.

City Park Improvement Association still operates City Park and its powers are still based on the provisions of the charter of 1891 as amended in 1899 and the state law of 1896 as amended. The Association is a self-perpetuating body with thirty-one members, all of whom are members of the board of commissioners which operate the park. It received an appropriation of \$205,000 from the city in 1959 but nothing from the state. The remainder of its approximately \$400,000 budget is derived principally from fees for the use of its facilities and from food and drink concessions. Its employees are in the classified service of the state.

The author of the report on the Association for the charter committee in 1952 discussed at length the question of whether it was an agency of the state independent of the city government or an agency of the city government created by state act. His conclusion was that "there is concrete evidence in jurisprudence that the Association is a subdivision of the municipal government and not an agent of the State." This conclusion, however, runs counter to a dictum of the Court of Appeals that the City Park Improvement Association "in maintaining and operating the New Orleans City Park, acts as an agent of the state itself by the recognition given to this fact by the legislature."<sup>5</sup>

City Park covers approximately 1500 acres. It has no organized recreational program, but offers extensive facilities for various types of recreational activity. There are tennis courts, baseball diamonds and two eighteen-hole golf courses. There are also facilities for fishing, boating and swimming, and a stadium, with a seating capacity of 27,000, where most of the city's high school football games and track meets are held. The stadium became the home park of the New Orleans professional baseball team, the Pelicans, in 1958 as the result of a lease by the City Park board, the terms of which were worked out by Mayor Morrison. A private community group sought by injunction to prevent the stadium from being used on the ground, among others, that the City Park Improvement Association was a private corporation and that the act of 1896 which granted the park board the power to manage the park was unconstitutional. The civil district court denied the injunction, however, holding that the association was a quasi-public or political corporation. With reference to the use of the stadium for professional games, the court said:

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<sup>4</sup> 1896 Acts, No. 130.

<sup>5</sup> *Rome v. London and Lancashire Indemnity Co. of America*, 157 So. 175 (1934).

The very existence of the stadium contemplates the conducting of spectator sports as part of the public park purpose . . . The only difference between games held under the auspices of an amateur league and those held under the auspices of a professional league is that in the amateur league members of a school will participate in the sport on the field of play while their friends and followers pay an admission charge as spectators. Professional baseball is played by professional or paid performers, and the spectators pay an admission price.

The spectator at a professional baseball game is indulging in recreation; there is no different use being made of the stadium when the players are being paid. The use of the property remains the same.<sup>6</sup>

Although there was a great deal of criticism of the decision in some quarters, it was not appealed.

Most of the park's facilities are available to the public on a fee basis only. The golf courses and golf driving range yield the largest revenue, tennis and the stadium yield much less and baseball very little, since there is no charge for diamonds except a small reservation fee on Saturdays and Sundays. The park's lagoons and semi-tropical trees, shrubs and flowers make it a beautiful place, which is popular with New Orleanians throughout the year.

As already noted, Audubon Park, or Upper City Park as it was called prior to 1886, was acquired through purchase in 1871 by the Board of Park Commissioners.<sup>7</sup> The land, which was a portion of what had been known as the Foucher plantation, had been in Jefferson Parish until 1870, when it was annexed by the city of New Orleans. The city acquired control of the park in 1877 when the board of park commissioners was abolished, but did little to develop it until 1884 when the Cotton Centennial Exposition was held in New Orleans. The park at that time was under the management of a board, consisting of the president of four local railroads and thirty-two other citizen members. Railroad representation was eliminated in 1886, however, when the board membership was reduced to twenty-four.

In 1894 a group of citizens organized an Audubon Park Association as a private non-profit corporation and in 1896 the Association was by state law given the responsibility of operating the park.<sup>8</sup> It performed this duty until 1914 when the present Audubon Park Commission was created by state law.<sup>9</sup> The home rule charter of 1954 did not mention this commission, presumably because of uncertainty as to whether it was a municipal or a state agency. Its status was settled in 1958, however, when the Court of Appeals for Orleans Parish declared that it is "an independent agency of the City of New Orleans and not of the State of Louisiana."<sup>10</sup> In this case the state civil service commission, which was attempting by mandamus to bring the employees of the park under state civil service relied heavily on the fact that employees of City Park were under the state system and that there was no distinction between them and the employees of Audubon Park, who were under the city system. The court rejected this contention, however, on the ground that the City Park

<sup>6</sup> *New Orleans Item*, Dec. 30, 1957.

<sup>7</sup> *Board and Commission Reports*, op. cit., No. 7.

<sup>8</sup> 1896 Acts, No. 130. This is also the act which turned over the administration of City Park to the City Park Improvement Association.

<sup>9</sup> 1914 Acts, No. 191.

<sup>10</sup> *State Civil Service Commission v. Audubon Park Commission*, No. 21,101, Court of Appeals, Parish of Orleans, 1958.

Improvement Association was recognized as an agent of the state in 1934<sup>11</sup> and that the Audubon Park Commission had never been so recognized. One of the city's major parks is therefore a state, and the other, a municipal agency.

The Audubon Park Commission is composed of twenty-four persons who are appointed by the mayor with the consent of the council for overlapping terms of six years. Vacancies due to death or resignation are filled by the commission itself.<sup>12</sup> The commission selects a superintendent, who serves at its pleasure, but other park employees are under the city civil service system. In 1959 the park received \$240,000 in city appropriations and approximately the same amount from fees, leases and concessions.

Audubon Park has an area of approximately 315 acres. Its most popular attraction is the zoo, which is the only one in the state. The zoo, which is compact in that it covers a relatively small area, has received national publicity in recent years because of its whooping cranes and the birth there of the only such cranes born in captivity. Administratively, the zoo is unique in that the positions of superintendent of the park and the zoo are combined.

Among the other attractions of the park are a swimming pool, which is reported to be the second largest in the United States, a riding stable, tennis courts, baseball diamonds, and various amusement rides. The swimming pool, tennis courts and amusement rides are not administered by the Park Commission but are rented to the Audubon Park Natatorium, Inc. This is a private corporation created in 1927 by certain members of the commission to manage these facilities. The board of the corporation consists of five to nine persons elected by the stockholders for a term of one year, but a failure to elect on the date specified does not dissolve the corporation. Although not required by the charter, all members of the board are at the present time members of the commission. The park also has an eighteen-hole golf course, but this is leased to the Audubon Golf Club, a private organization, for a rental of \$400 per month.

As already noted, the Audubon Park Commission is an independent municipal board. As such, it does its own purchasing and maintains its own equipment. It is policed in the daytime by mounted city patrolmen and at night by its own guards. It has no recreational program except a swimming club, but its facilities are available for use by the recreation departments of the city and adjacent parishes.

The third major park in the city is Lake Pontchartrain. This is a Negro park, administered by the Parkway and Park Commission, which by the charter is given the power to "administer, control and manage all parks, except those otherwise provided for by applicable state laws."<sup>13</sup> The commission was first created by ordinance in 1909, but went through several reorganizations prior to its incorporation in the present charter as an independent, or "unattached," board. Its powers, in addition to administering the parks which are not under state law, are to

cultivate, place, maintain and remove trees, shrubs, flowers, grass and other plants on public grounds;

embellish parks, parkways, highways and other grounds; and

designate the portions of parks and other areas under its control for the activities under the direction of the Department of Recreation.<sup>14</sup>

<sup>11</sup> 1934 Acts, No. 104.

<sup>12</sup> *Code of the City of New Orleans*, Ch. 43, Sec. 49.

<sup>13</sup> *Home Rule Charter*, Ch. IX.

<sup>14</sup> *Ibid.*



The commission is composed of the director of recreation, ex officio, and ten members appointed by the mayor with the approval of the council for overlapping terms of five years. It employs a superintendent, who is required to be "skilled in planting and caring for trees, shrubs and other plants and qualified to treat trees and to protect them against insects and diseases."<sup>15</sup>

Lake Pontchartrain Park, which was opened in 1956 for the exclusive use of Negroes, has 198 acres. All the land has been cleared, but is not yet fully developed. There are, however, tennis courts, baseball fields, picnic areas, and a golf course. The commission is going ahead with plans for further development, although the success of the park obviously depends upon its acceptance by the Negroes, who were admitted to City Park by court order in 1958.

In addition to administering Lake Pontchartrain Park, the Parkway and Park Commission maintains over three hundred other park areas, playgrounds, etc., most of which are used by the recreation department. It also cuts the grass and plants and trims trees and shrubs in public places in neutral grounds, and between sidewalks and streets. It has a sixty-seven acre nursery with greenhouses for propagation purposes and for the storage of tropical plants in the winter months.<sup>16</sup> The commission works in close cooperation with New Orleans Public Service, Inc., which supplies electricity to the city. Public Service truck crews do not have the power to trim or cut trees which interfere with the installation or maintenance of electrical lines, and so the commission assigns some of its own men to these crews with the authority to grant the necessary permission or perform the work. A similar service is performed for the telephone company. In both cases the commission is paid for the work performed.

A part of the annual revenue of the Parkway and Park Commission, as well as of the City Park Improvement Association, is derived from the Edward Wisner trust. This was a donation in 1915 of over 50,000 acres of land to the city, Tulane University, Charity Hospital and the Salvation Army. The city receives about 35 per cent as its share of the proceeds, which can be used for certain specified purposes, including embellishment of the city.<sup>17</sup>

Another park area, which the city acquired shortly after 1930, is located on the West Bank and is known as Algiers Park. It contains approximately 100 acres. The land was cleared by WPA workers, but the city has never developed the area. Fishing is the only recreational facility available.

Another recreational facility operated by the city for the benefit of pleasure boat owners is the yacht harbor, which is located on Lake Pontchartrain. It was constructed in 1938 as a Works Progress Administration project and in 1942 was placed under the management of a commission consisting of the mayor and five persons appointed by him. The jurisdiction of the commission was subsequently extended to include an adjacent area in Orleans Parish in which the Southern Yacht Club had formerly held certain harbor and mooring rights, at which time the property of the Club was purchased by the city.<sup>18</sup>

Since the home rule charter of 1954 contained no reference to the commission, it ceased to exist as an administrative agency but was continued by the mayor as an advisory body. The yacht harbor itself was placed under the Department of Property Management with its administration in the hands of a director appointed by the department head. There are about a dozen other employees,

<sup>15</sup> *Code of the City of New Orleans*, Ch. 43, Sec. 8.

<sup>16</sup> See *Fortieth Annual Report*, pp. 24-25.

<sup>17</sup> *Board and Commission Reports*, op. cit., No. 62.

<sup>18</sup> *Ibid.*, No. 80.



all of whom are under civil service. The budget was \$34,269 in 1959, all of which was supplied by the city. Since most of this amount is spent for salaries, repair and maintenance work is performed by work crews from the Department of Property Management.

The facilities include a building, a portion of which is rented to the Southern Yacht Club, and inner and outer harbors. The inner harbor contains docks and boat houses which have been constructed for the most part by boat owners at their own expense. The outer harbor contains no boat houses but only "slips" where boats are kept. Boat owners, who number over 500, pay for the privilege of using both of the harbors. The receipts from rentals, concessions, etc. are more than the city appropriations. A proposal to allow the Department of Property Management to establish a revolving fund and pay from it the expenses of operating the yacht harbor has so far not been adopted.

### State and National Parks

Since neither of the adjacent parishes has any park facilities other than the playgrounds where its recreational program is carried on, there are no other public parks in the New Orleans area except those administered by agencies of the state and federal governments. There are two state parks in Orleans Parish—Fort Pike and Fort Macomb. Both were built as forts by the United States government between 1819 and 1824 as a defense against the invasion of New Orleans through the waterways leading to Lake Pontchartrain from the Mississippi Sound.<sup>19</sup> They were acquired by the state from the War Department and placed under the state parks commission following its creation in 1934. At the present time Fort Macomb is not in operation and the grounds are closed to the public.

Fort Pike was originally planned as the first unit of a Louisiana Purchase memorial park, which has never been completed. It operates on a very small appropriation, with a staff which consists of a superintendent and one maintenance man. The fort, which has been restored, is open to the public but there are no recreational facilities except a picnic area.

Another state agency which is concerned with parks, however, is the Orleans Levee Board.<sup>20</sup> Its park functions have grown out of its flood control and reclamation programs along the southern shore of Lake Pontchartrain in Orleans Parish. The board has constructed the Lake Pontchartrain seawall, which extends approximately five and a half miles from the New Basin Canal to the Industrial Canal. The seawall is constructed like a long grandstand, on which spectators can sit and watch water sports on the lake, or fish in season for shrimp and crab. The board has constructed a drive which parallels the shore line and separates the private residential area from a 500-foot public parkway which lies along the lakefront. The latter, which is maintained by the board as a public park, has no facilities other than benches, automobile parking areas, and a food concession stand. A small boat landing with concrete break-water on the lake has been constructed at the west side of the Industrial Canal.

The board has also developed two beaches—Pontchartrain Beach for whites and Lincoln Beach for colored—each of which is part of an amusement park which is privately operated under lease from the levee board. The grounds at Pontchartrain Beach were originally improved with W.P.A. funds, and subsequently the board itself built a number of structures, including amusement

<sup>19</sup> State Parks Commission, *Fort Pike State Park*, p. 12.

<sup>20</sup> For a discussion of its other activities, see Chs. II, III and X.

buildings, a row of concession stands, a bus shelter and a swimming pool. Since improvements financed by W.P.A. cannot be leased without federal approval, the board has continued to maintain them. The beach and parking lot are therefore free to the public. Other improvements made by the board itself, as well as those made by the leaseholder, are operated by the latter on a profit-making basis.

The situation at Lincoln Beach is similar except that it was developed without the aid of W.P.A. funds. The levee board built the restaurant and concession buildings and installed floodlights, and the leaseholder has made other improvements. Leases of the facilities at both beaches have been for a period of not over ten years, with options for renewal.

There is one national park in the New Orleans area. This is the Chalmette National Historical Park, which is located in St. Bernard Parish on the site of the battle of New Orleans. It is administered by the National Park Service, and consists of the battleground area, a museum, and a nearby military cemetery. The museum, which is housed in a restored plantation home, contains only war relics of the early nineteenth century and pictorial representations of the battle which the park commemorates.

#### ORGANIZED RECREATIONAL PROGRAMS

##### New Orleans

Although the major parks of the city provide excellent recreational facilities, they do not provide organized recreational programs. These are supplied by the New Orleans Recreation Department, which was created in 1946. Prior to that time there were several agencies, both public and private, to which funds were appropriated by the city. The oldest of the public agencies was the Public Bath Commission, which was created in 1908. Apparently it did not at any time operate more than one facility, and this had fallen into disuse by 1946.<sup>21</sup> Other public agencies were the supervisor of Lawrence Square, the Department of Public Property and the Playground Community Service Commission.

The last-named agency in 1946 was operating the largest program. It had been established in 1911 to manage the three playgrounds operated at that time by the Civic Improvement and Playgrounds Association. By 1946 the number of playgrounds had increased to thirty-six, of which seven had swimming pools.<sup>22</sup> Because the commission had received in 1940 approximately \$125,000 from the estate of Mrs. Olive Andrews Stallings, it was retained to administer this fund after the recreation department was established. Since the fund was almost entirely exhausted by 1954, the commission was not mentioned in the new city charter.

Another agency which carried on an active recreational program in 1946 was the New Orleans Junior Sports Association Commission, which had been established as a private organization in 1944 and the following year had been taken over by the city. Its recreational program, as well as all others operated by the city, were by ordinance of 1946 placed under the direction of the newly created recreation department.<sup>23</sup> This department, generally known as NORD, was continued by the charter of 1954, under which it is directed to "plan, supervise, and conduct a comprehensive and coordinated program of cultural

<sup>21</sup> *Board and Commission Reports, op. cit.*, No. 99.

<sup>22</sup> *Ibid.*, No. 93.

<sup>23</sup> Ordinance 16,630, Commission Council Series.

and physical recreation" and to manage and operate all recreational facilities not otherwise provided for in the charter. It can "promote cooperative planning" with other public and private agencies, and "may arrange for the use of recreational facilities and areas in all parks."<sup>24</sup>

The department has as its head a director who is appointed by the mayor with the consent of the council. It has had the same director ever since it was established—Lester J. Lautenschlaeger, a prominent New Orleans attorney, who serves on a dollar-a-year basis. He and Mayor Morrison were in large measure responsible for its creation, and both have had an active role in its development. It is one of the two departments of the city government which, since 1954, have not been placed under the control of the chief administrative officer but have been kept under the direct supervision of the mayor's office.<sup>25</sup> The director's role is principally policymaking, with full-time direction vested in an executive assistant director. The staff, which is under city civil service, numbers about 270 full-time employees in the winter months.

NORD has four divisions—administrative, athletic, cultural, and maintenance. The administrative division performs the usual staff functions. The athletic program includes baseball, basketball, football, track, swimming, archery, fishing, bowling and golf. It also includes miscellaneous sports like volleyball, softball, horseshoe pitching, shuffleboard, bicycle races, tennis and ping pong. The cultural program is equally comprehensive. Free instruction is given in dramatics, ballet and square dancing, and various arts and crafts, including painting, basketry and ceramics. The department sponsors a children's theater, a theater on wheels, regular television performances, and musical performances ranging from symphony and opera to ukelele and a barber shop quartet. Other miscellaneous cultural activities include cooking, sewing, doll shows, miniature boat races, and baton twirling. One of the most popular of the various NORD programs has been the Golden Age clubs for older participants. These carry on year-round activities, including weekly meetings, picnics, camping trips, dances, and other special events.<sup>26</sup>

NORD operated a total of 143 facilities in 1959, of which about one-third were for colored participants. It also supervises the summer recreational programs on the grounds of from ten to fifteen schools. All of NORD's properties and installations are cared for by its maintenance divisions, which installs and maintains all play equipment. It does not maintain the grounds, however, since this is the responsibility of the Parkway and Park Commission, which does all landscaping, grass cutting, etc. Other city agencies which give assistance are the Department of Utilities, which supplies gas and electric services; the Sewerage and Water Board, which supplies water; and the Department of Property Management, which takes care of all major repairs.

NORD's budget amounted to \$656,491 in 1959, or slightly more than \$1.00 per capita—an amount which is well below other cities of comparable size. Its program, however, has steadily grown in popularity. It has many volunteer workers, and a number of business firms in the city donate equipment for, or pay the travel expenses of, athletic teams which the department sponsors. The facilities which it uses but does not own are frequently donated or leased at a nominal rental.

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<sup>24</sup> *Home Rule Charter*, Ch. X.

<sup>25</sup> The other is the police department. See Chapter VIII.

<sup>26</sup> See New Orleans Recreation Department, *Progress Report*, 1955, pp. 64-74.



There have been two studies of the recreational facilities of New Orleans during recent years. The first was done by Harland Bartholomew and Associates for the City Planning and Zoning Commission in 1950. It found existing facilities to be quite inadequate as respects neighborhood parks, playgrounds and community centers. At that time the city had only 43 acres of park land for each 100 persons, which was less than one-half the amount deemed desirable. The report also called attention to the need for community facilities at the schools, as well as within proposed neighborhood park and playground areas.<sup>27</sup>

A second recreational study was done in 1951 by a group of experts working under the direction of Lewis Barrett.<sup>28</sup> The report, which was not released for publication, was highly critical of the New Orleans program. It recommended that the Audubon Park Commission, the City Park Improvement Association, the Parkway Commission, the Yacht Harbor Commission and the New Orleans Recreation Department should be replaced by a single park and recreation board, which "should be granted all powers necessary for it to plan, develop, improve, maintain and operate a city-wide park and recreation system. It should also be granted the authority to negotiate with the Orleans Levee Board, the New Orleans Airport Commission, the Orleans Parish School Board and the Housing Authority of the City of New Orleans so that land property under control of these agencies, suitable and available for community recreation use, could be jointly planned for this purpose, subject to the approval of the City Planning and Zoning Commission."<sup>29</sup>

There were also certain recommendations with respect to the school board. The board and its staff should, in the opinion of the study group, participate in the development, organization and direction of the community recreation program, and should make possible the wider use of school plants for recreation purposes. The park school was recommended as "the most adequate and suitable facility for education and recreation on a neighborhood and district basis."<sup>30</sup> The general plan for a park school site should include, in addition to the school building, a gymnasium, athletic field, stadium, swimming pool and courts for outdoor games. Nothing has been done, however, to put any of the recommendations of either report into effect.

Another local agency which has a recreational program is the Orleans Parish school board. This is of course confined to the public schools, and has been very limited. All the schools have playgrounds, but except for recently constructed ones, they are very small. A recent publication of the board declares that the high schools in particular are "greatly handicapped in their efforts to provide an adequate physical education program by the lack of space—both indoors and outdoors."<sup>31</sup> There were no school gymnasiums until 1947, when the first one was built at Alcée Fortier Senior High School. Since then ten others have been built, with additional ones either under construction or in the planning stage. None is open in the summer time, however, and playgrounds are, except as noted above, unsupervised except when school is in session.

<sup>27</sup> *The Master Plan, New Orleans, Chapter 7, A Preliminary Report, Schools and Recreation*, pp. 40-41.

<sup>28</sup> *Report of the New Orleans Recreation Study*, April, 1951.

<sup>29</sup> *Ibid.*, p. 63.

<sup>30</sup> *Ibid.*, p. 64.

<sup>31</sup> *New Orleans Public Schools, Ideas*, Vol. 3, No. 5, (May, 1958).



The school board also operates an educational AM radio station, which was donated to it by a commercial broadcasting company. It is used to present musical programs in the classroom, and, after school hours and in the summer, to broadcast to the public classical music and other programs of cultural or general interest. The station's library of long-playing classical music records was also donated to the school board.<sup>32</sup>

Finally, it should be noted that the city makes annual appropriations to certain private agencies whose activities are in the recreational and cultural field. These are the Philharmonic Symphony Society, the Opera House Association, the Experimental Opera Theatre, the Crescent City Concerts Association, the Spring Fiesta Association, and the Greater New Orleans Educational TV Foundation. The total appropriated to these agencies in 1958 was \$26,950, but this was reduced by more than 50 per cent in 1959. The Symphony and Opera appropriations are carried in the budget of NORD, and the others, under "general services—municipal participation in civic affairs." This item, which totalled \$53,775 in 1959, is also used for the construction of reviewing stands for Mardi Gras parades. There is also a special appropriation for "city decorations" for special occasions, such as the Sugar Bowl football game on New Year's Day.

### Jefferson Parish

The public recreational facilities of Jefferson Parish were until 1958 completely decentralized. As already noted, nine community center and playground districts were authorized by the police jury, but only four were active in 1958. All four were located on the East Bank. The authority for their creation was derived from the state constitution,<sup>33</sup> which declares that they are political subdivisions of the state with power to tax and borrow for the purpose of acquiring and maintaining "community centers, including parks, playgrounds, recreation centers and libraries." By law<sup>34</sup> each district had as its governing body a board of five members appointed by the police jury for overlapping terms of six years. Districts were created on petition of residents of the area, and board members were required to be residents and to own real estate in the district assessed for not less than \$500. In 1958 the four active districts were levying general property taxes ranging from 2 to 12¼ mills. Three of them had outstanding bonds, the largest amount being approximately \$700,000.

Districts No. 4 and 5, the former embracing the eighth and tenth wards and the latter, the seventh ward, operated the largest programs. District No. 4 had five large playgrounds, the largest of which included a community center and gymnasium. The district maintained facilities for baseball, basketball, football, tennis and swimming, and had a "cultural arts" program which included theater, ballet, ceramics, leather craft, "sportsmanlike driving" and a "charm school." It had approximately sixty employees, about one-half of whom were part-time. District No. 5 had thirty full-time employees in 1959. The district operated a playground and two community centers, each consisting of a playground and gymnasium. Its initial program was in the field of physical recreation, but this has been expanded to include also cultural arts. In addition, each district has a Negro recreational area, in one of which the program includes cultural arts. District No. 8 operated a large playground with supervised athletic

<sup>32</sup> *Ibid.*, p. 24.

<sup>33</sup> Art. XIV, Sec. 36.

<sup>34</sup> 1946 Acts, No. 285.

activities on a full-time basis only in the summer. It owned no land or buildings and had only three year-round employees. District No. 9 had six full-time employees, and operated a community center, playground and gymnasium, as well as a cultural arts program.

As already noted, the Jefferson Parish charter adopted in 1958 provided that the functions of the special districts should be assumed by the council and president. Subsequently, the council enacted an ordinance which created a department of recreation and gave it the responsibility of administering all parks and playgrounds in the parish.<sup>35</sup> The department is headed by a full-time director, who is appointed by the president. Since the new organizational plan went into effect, there has been little change in the recreational program. Its direction is of course centralized but the districts remain the same, with the tax revenues of each spent for its own program. There has been some expansion of facilities and programs where district funds were available, and full-time personnel is under civil service.

The department operates no recreational program on the West Bank except in the summertime, when the facilities of three public schools are utilized under an arrangement with the school board.<sup>36</sup> The program is financed by a special appropriation from the parish. There is also one such program at an East Bank high school.

In addition to the five inactive community center and playground districts in Jefferson Parish, there was one other agency—also inactive—which might be mentioned. This is the Jefferson Parish Public Parks Commission, which was created by the police jury in 1957. It was set up to acquire anywhere in the parish land, buildings and equipment for a recreational program. A proposal to issue seven million dollars in bonds and to levy a two-mill maintenance tax was defeated in the referendum vote, and the commission has been inactive since that time.

None of the four municipalities of Jefferson Parish has any real recreational program. Harahan has two playgrounds and a larger park area which was recently acquired but has not yet been developed. There is a city-owned building which community groups are allowed to use for indoor events. Gretna has a playground with baseball diamond for whites and another for Negroes. Westwego has a playground and baseball diamond which are cared for by a maintenance man employed by the city. Kenner has a playground on property owned by Moisant Airport. It operates here and on the grounds of the junior high school a summer program in which teachers serve as part-time directors. There are also two park areas that are set aside for the use of Negroes.

### St. Bernard Parish

The recreational program of St. Bernard Parish was set up in 1954. Unlike that of Jefferson Parish, it was administered from the outset on a parish-wide basis by an agency which is responsible to the police jury—the St. Bernard Athletic Recreation Department. The department has as its head a commission, consisting of nine members who are appointed for a term of three years. One member must come from each of the seven wards into which the parish is divided and two represent the parish at large. The commission

<sup>35</sup> Ordinance No. 3810, effective August 31, 1958.

<sup>36</sup> The director of the department of recreation is a member of the school board.

appoints a full-time director and such part-time employees as he recommends. The program is financed by a one and a half mill tax, with smaller sums derived from donations and such miscellaneous sources as vending machines, gymnasium rental, dance proceeds, etc.

The St. Bernard Athletic Recreation Department owns only one playground, which is located in the Chalmette area. However, it uses three others, one of which is owned by the parish school board, another by the Catholic Church and the third by the parish, a railroad and an oil company. Three of the playgrounds are lighted and the area owned by the school board has a gymnasium. Some school grounds are also used after school hours with teachers given extra compensation to supervise them. The department operates principally an athletic program, consisting of the usual outdoor sports. There is, however, a limited non-athletic program, which includes instruction in dancing, baton twirling, sewing and art.

#### AUDITORIUMS

The New Orleans municipal auditorium is the only public facility of its kind in the metropolitan area. It was constructed in 1927 under authority of a general state law of 1922 which authorized municipalities to construct and operate auditoriums and to finance them out of current revenues, general funds or bond issues.<sup>37</sup> Prior to 1954 the auditorium was managed by a board of eleven members appointed by the mayor for overlapping terms of eleven years. The new city charter made no mention of the board and so it ceased to exist as an administrative agency. It was continued, however, as an advisory body by order of the mayor, with administration of the auditorium in the hands of the Department of Property Management with a director appointed by the mayor. There are about forty employees, all of whom are under civil service.

The auditorium is a five-story, partially air-conditioned building, the arena of which seats 10,000 persons. There are entrances and exits on all four sides, so that through the use of rising, soundproof partitions, the building can be used by different groups at the same time. Conference rooms are also available, as are dining and entertainment facilities. National and regional conventions of various types are held here, as are indoor sporting events and entertainment attractions. About sixty carnival organizations use the auditorium for their annual Mardi Gras balls.

The auditorium receives no appropriation from the city but is financed entirely from fees paid for the use of its facilities and from concession contracts. Every user of any portion of the building pays according to a detailed schedule of fees amounting to as much as \$660 for the use of the arena. The concessions, which are granted to a single company, bring in a guaranteed \$20,000 per year, plus 8 per cent of the gross receipts. Since the auditorium receives no funds from the city, it has been allowed by ordinance to establish

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<sup>37</sup> 1922 Acts, No. 114; see also 1924 Acts, No. 182.

its own revolving fund which is managed by the Department of Property Management rather than by the Department of Finance.<sup>38</sup> There is also a reserve fund, which is used to finance capital improvements.

In addition to the municipal auditorium, there are of course auditoriums in the various schools of the city. The school board encourages the use of these facilities by parent and youth organizations, as well as by others "devoted to the instruction of children or the well-being of the community."<sup>39</sup> No charge is made if the activities of such groups are related to the school system. On the other hand, organizations which are "essentially civic in nature" may be charged a minimum fee. School facilities may not be used for partisan political meetings or sectarian religious services.<sup>40</sup> The New Orleans public library also has meeting rooms in its new building and in the branches. These are available without charge to smaller civic and educational groups, and are widely used.

### MUSEUMS

There are three museums in New Orleans. They are the Isaac Delgado Museum of Art, the Historical Pharmacy Museum and the Louisiana State Museum.

#### Isaac Delgado Museum of Art

The Delgado Museum came into existence as a result of a donation by the same man whose gift made possible the establishment of the city's trade school. In a letter of February 26, 1910 Mr. Delgado wrote the board of commissioners of the City Park Improvement Association of his desire to give \$150,000 for the erection of an art museum building on land which he had been "led to believe" the park board would donate as a site. He made the offer on two conditions: (1) "that the matter of plans for the building and for its future maintenance and management should be under the control of three or four members of your board to be appointed by you, with a like number of gentlemen from the board of directors of the Art Association of New Orleans, to be appointed by its president, and to include him," and (2) "that a room . . . shall be reserved for such articles as I may desire, in the future, to place there, this collection to be permanently cared for in the space set aside."<sup>41</sup>

Two months later Mr. Delgado, in another letter to the park board, further developed his ideas with respect to the administration of the proposed museum. He wrote:

<sup>38</sup> The charter provides in Section 6-208 that "(1) Funds may be maintained by the City for the operation of any public enterprise which is substantially or wholly commercial in character, or for the purpose of facilitating work performed by the City for which it is to be reimbursed in whole or in part. Such funds shall constitute 'revolving funds.'

(2) The Council may by ordinance establish a revolving fund for each public enterprise. The revolving fund so established shall be subject to the provisions of this Article relating to budgeting, appropriation, and allotment only to such extent as the ordinance establishing such funds shall provide. The provisions of this Charter relating to other phases of financial management, including purchasing, shall apply without exception."

<sup>39</sup> Orleans Parish School Board, *Statement of Policies*, p. 14.

<sup>40</sup> *Ibid.*, p. 15.

<sup>41</sup> *Board and Commission Reports, op. cit.*, No. 10.



I desire . . . that it be well understood that in case of a vacancy occurring upon the board of administrators of the "Isaac Delgado Museum of Art" the same be filled by the body from which the retiring member was originally accredited, but in the event either the board of commissioners of the City Park, as presently constituted, or the art association should cease to exist, the remaining members of the "Isaac Delgado Museum of Art" shall fill all vacancies which may occur in its body.

I also desire it to be understood that the tenure of office on the board of administrators of the present members, or their successors, shall cease whenever they shall no longer be members of the board of the organization from which they were respectively accredited.

But I wish it to be understood that nothing in this letter contained shall be construed as preventing the organization of an association having in view the preservation of the "Isaac Delgado Museum of Art" and the securing of funds for its maintenance and development.

On June 19, 1911 the Isaac Delgado Museum of Art Association was incorporated for a term of ninety-nine years to administer the museum according to the intentions of the donor as expressed in the two letters cited above. The notarial act of incorporation specified that the corporate powers "shall be vested in, and exercised by, a board of administrators to consist of eight members who shall be elected—four thereof by the board of commissioners of the City Park Improvement Association from among the members of this corporation, with the president of said board as a member ex-officio, and the remaining three, by the Art Association of New Orleans also from the members of this corporation." The act also provided for three classes of members: (1) patrons, (2) life and (3) active. Shortly before the museum building was completed, the park board passed a resolution tendering it to the city, and the city accepted it by ordinance. This ordinance declared the museum to be "dedicated to the use and benefit of the people of New Orleans as intended by Isaac Delgado . . . and in accordance with the resolution" of the park board.

From the outset the city has appropriated money for the support of the museum. This appropriation amounted to \$40,000 in 1959. On the other hand, the museum board has not been very successful in raising money from private sources, as is evident from the report of the assistant secretary-treasurer in 1955 that the board had only \$75,000 in its trust account.

Most of the facts relating to the establishment and administration of the Delgado Museum were not widely known until 1957, when the museum board dismissed its director without making public any reasons for its action. The result was a storm of protest from friends of the museum and the public generally, which was voiced in the press and by city hall officials. Mayor Morrison and several members of the council called on the board to explain its action. The mayor declared that "since the Delgado museum is a public institution on public property and supported principally by the taxpayers, the public is entitled to have full and complete reasons" for its action.<sup>42</sup>

Following the issuance of a statement by a member of the board that it was a closed independent corporation and therefore not governed by the state's "public meetings" law, the mayor threatened to cut off all city appropriations to the board unless it adopted a general policy of full information to the public and proper public hearings. The board then issued a lengthy statement reaffirming the dismissal and maintaining that the board was a private corporation.

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<sup>42</sup> *New Orleans Item*, March 29, 1957.

The status of the museum continued to be a leading subject of discussion, with public opinion apparently almost unanimous in condemning the board. Since the board would not grant a public hearing, the council proposed to do so, but most of the members of the board challenged its jurisdiction and refused to appear. The chief administrative officer of the city ordered funds for the salary of a museum director withheld "until the board has clarified its position," and stated that he would recommend that the release of the museum's remaining funds for 1957 "be contingent upon acknowledgement of the right of the council and city administration to know how the board is administering its public funds and to inquire into decisions affecting the expenditure of these funds."<sup>43</sup>

After the board members refused to appear at a council hearing, the council again called on the museum board to give the dismissed director a public hearing. When the board refused to do this, the council voted to withhold further funds until the hearing was granted. The controversy continued for several months and was finally settled by an agreement under which two members of the council sit in board meetings but have no voting rights.

The status of the Delgado board has never been judicially determined. Its president stated during the 1957 controversy that the membership of the board and the Association was indetical and that no new members had been admitted to the latter "in probably twenty years."<sup>44</sup> The Association has been held by both the city attorney and the state attorney general to be a private corporation. At the same time, however, it manages an institution which was donated to the city "for the use and benefit of the people of New Orleans." Most of its support has also come from the city and its employees, though not under civil service, are members of the city's employee retirement system.

### Historical Pharmacy Museum

The Historical Pharmacy Museum is housed in a building in the Vieux Carré, know as the Napoleon House, which was donated to the city in 1937. The property was originally designated as a museum to house Napoleonic relics owned by the city, but in 1943 was turned over to a newly created Historical Pharmacy Commission for use as a public museum for the display of pharmaceutical relics.<sup>45</sup> The leaders of the movement to secure such a museum were members of the pharmacy faculty of Loyola University, which contributed most of the relics on display.

The museum was opened to the public in 1950. Until 1954 it was managed by an independent board consisting of nine members appointed by the mayor with the consent of the commission council. The new charter contained no reference to the board, and so it ceased to exist. Mayor Morrison, however, placed the museum under the Department of Property Management and continued the board in an advisory capacity. The museum received \$5,500 from the city in 1959, most of which was used to pay the salaries of a custodian and porter, who are the only employees.

<sup>43</sup> *The Times-Picayune*, April 6, 1957.

<sup>44</sup> *Ibid.*, April 3, 1957.

<sup>45</sup> *Board and Commission Reports*, *op. cit.*, No. 66.

## Louisiana State Museum

The third museum located in New Orleans is the Louisiana State Museum, which was established in 1906 to house the exhibit which the state had sent to the Louisiana Purchase Exposition of 1904 in St. Louis. It is governed by a board of nine members, four of whom are ex-officio (the governor, the commissioner of agriculture, the director of the state experiment station, and the mayor of New Orleans), and the remainder appointed by the governor with the consent of the Senate for four-year terms. The actual management is divided between a curator and a business manager. The museum is financed by state appropriations, rents from the Pontalba apartments and admission charges. There are about forty employees, all of whom are under state civil service.

The museum board has several buildings under its jurisdiction, the most historic of which are the Cabildo, which was the first building erected for local government use in the province of Louisiana, and the Presbytere, which was designed for church use but was taken over as a court building following the purchase of Louisiana by the United States in 1803. Both buildings were transferred to the museum board by the city and dedicated in perpetuity to museum purposes. The former contains relics of New Orleans' and Louisiana's past, and the latter, displays of the natural resources of the state. Other buildings under the control of the board are the old state arsenal, the St. Ann Street row of Pontalba buildings, and three early residences—Madame John's Legacy, the Creole House and the Jackson House, all of which are of historical significance. The Huey P. Long memorial residence was placed under the jurisdiction of the board in 1938.<sup>46</sup> The board also has, by delegation from the city, custody and care of the area facing the Cabildo, known as Jackson Square.

## LIBRARIES

### New Orleans

The first public libraries in New Orleans were the state library, established in 1838, and the public school library of the Second Municipality, created by ordinance in 1844.<sup>47</sup> The former remained in New Orleans until the capitol was moved to Baton Rouge, and the latter was consolidated in 1859 with the libraries of the third and fourth districts to form what was called the Lyceum and Library Society. The Society at first operated four libraries, but these were consolidated in 1863 under the name of the Public Library of the City of New Orleans, to which, beginning in 1864, the city appropriated \$5,000 a year.

In the meantime, the city had acquired another library. In 1843 Abijah Fisk bequeathed his home to the city to be used as a library and several years later his brother donated 6,000 volumes. The Fisk library was operated by the city until 1853, when it was turned over to the New Orleans Mechanics Society. In 1881 it came under the management of the University of Louisiana (Tulane), and in 1896 it was consolidated with the other city library to form the Fisk Free and Public Library, which in turn became in 1902 the present New Orleans Public Library. The consolidated institution had a total of approximately 30,000 books. In the early part of the twentieth century the library was the recipient of several gifts which enabled it to expand greatly.

<sup>46</sup> *Ibid.*, No. 23.

<sup>47</sup> *Ibid.*, No. 25.

The heirs of Simon Harnsheim donated \$50,000 in 1902 and Andrew Carnegie gave \$275,000 in 1907; \$25,000 in 1909 and \$50,000 in 1913. The first Carnegie donation made possible the construction of a building at Lee Circle, which served for fifty years as the main library building.

Since its establishment the New Orleans Public Library has had six directors, the first five of whom had no special preparation for, or experience in, library work. Although New Orleans is frequently said not to be very library-conscious, criticism of the library became so widespread in 1935 that the board requested the American Library Association to survey the existing administration. The report was a scathing denunciation of the manner in which the library was being administered. It declared that the building gave "the appearance of neglect," that procedure in book selection was "very decidedly open to question and criticism," that the reference service was "very greatly neglected," and that the situation in the six branch libraries showed "a deplorable lack of supervision." In short, the authors felt "that at the present time the practices and policies of the public library cry out loud for immediate remedy and they especially recommend that as soon as possible, a change in administration be made."

It was not until 1938, however, that a trained librarian was brought in as director. Since that time progress has been slow but steady. The library now has over 600,000 volumes. In 1958, when the central library moved to its new building in the Civic Center, it was operating eleven branches and two bookmobiles. In addition, there were three stations located at recreation centers, which are serviced by NORD personnel. The budget is over \$500,000 per year, of which about 90 per cent represents city appropriations, and the remainder, income from donations and bequests.

The library is under the direction of a board of nine members appointed by the mayor with the approval of the council for terms of nine years, the term of one member expiring each year. The librarian is appointed by the board and serves at its pleasure. The staff, consisting of about 85 full-time and 80 part-time employees, is under the city civil service system. Purchasing, except of books and related materials, is handled by the city purchasing department.

In 1957 there were over a hundred thousand library cards in active use. Since each card can be used by all members of the family, the actual number of borrowers was much larger. The library also has a collection of classical recordings, which is endowed in perpetuity, and the beginnings of an art collection, both of which are in considerable demand by borrowers.

The library renders various other specialized services to individuals and groups. It makes up collections of books on special projects at the request of teachers in both public and private schools, which are lent to the school libraries. It has organized a summer reading program, in which as many as 17,000 children have been enrolled, each of whom promises to read eight books during the summer months. It sponsors the "Great Books" program in the city and, prior to 1958, supplied books in braille and talking book records free of charge to blind persons in Louisiana and Mississippi. The latter program, which was carried on in cooperation with the Library of Congress, has now been taken over by the state library in Baton Rouge. Finally, the library is a depository for state documents and city records. It began in 1952 a micro-film program for the latter, which is financed by a special city appropriation.

For years the greatest need of the library has been a new main building and additional branches. Five of the latter have been opened since World



War II and in 1955 the voters approved the issuance of \$2,650,000 in bonds for a central library building. This structure, which was completed in 1958, will serve the needs of the city for many years. The library's operating budget, however, is still small, amounting to only about one-third of the minimum recommended by the American Library Association.

### Jefferson Parish

Jefferson Parish has a public library which was established under authority of a general state law of 1926 applicable to all parishes and municipalities except New Orleans.<sup>48</sup> The library, which serves the entire parish, was set up in 1949 by the state library commission as a demonstration library. Complete financial support was assumed by the parish in 1950 following approval by the voters of a five-mill maintenance tax for a period of ten years. The library operated on a three-mill levy until 1958, however, when the millage was increased to three and a half. At the outset it was under the control of a board composed of five members appointed by the police jury with the president of the jury serving *ex officio*. The board appointed the librarian, who also served as its secretary. In 1958 the library was placed under the newly created recreation department, with the board continued in an advisory capacity.

The budget of the library is approximately \$400,000 a year. Its headquarters are in Gretna, and there are twelve branches. There are also five bookmobiles, which serve a total of approximately ninety locations. The book collection is nearly 200,000, and the circulation totals more than three-fourths of a million per year.

### St. Bernard Parish

The St. Bernard Parish library was also set up as a demonstration library on the request of the police jury in 1957. The state library supplied the professional personnel, 10,000 books and a bookmobile, and the latter has paid the salaries of non-professional personnel and furnished library space in the court house. In 1958 the parish assumed complete responsibility by approving the levy of a two-mill tax for library purposes, which it is expected will yield about \$55,000 per year.

As in Jefferson Parish, there is a five-member library board, the members of which are appointed by the police jury for overlapping terms of five years. The president of the jury is also an *ex officio* member. A graduate librarian is in charge and there are two others who have had library training. The average circulation during the first year was over 5,000 per month.

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<sup>48</sup> 1926 Acts, No. 36.

## CHAPTER VIII

### PUBLIC SAFETY

Public safety—perhaps the most fundamental of all government functions—is protected at the local level by agencies created to enforce criminal law, furnish fire protection, and develop civil defense plans. The present chapter undertakes to survey the organization and operation of the public safety function in the New Orleans area according to this three-fold division.

#### CRIMINAL LAW ENFORCEMENT

##### New Orleans Police Department

The principal agency for the enforcement of criminal law in New Orleans is the city's police department. This department had its origin in the city guard, or *gens d'armes*, which existed prior to the acquisition of Louisiana by the United States. It was composed of both soldiers and civilians and its duty was to patrol the streets at night. Dressed in a uniform which included "cocked hat, deep blue frock coat, breast straps of black leather supporting cartridge box and bayonet scabbard, with an old flint lock musket and short sword," the *gens d'armes* are said to have borne themselves "with that stern sullenness which awed the peaceful and amused the gay."<sup>1</sup>

From 1803, when Louisiana was acquired by the United States, to 1808 the police function was performed successively by a civilian constabulary, a militia patrol, and a civilian *garde de ville*. In 1808 the militia patrol was reestablished, and it continued until 1821 when it began to be gradually replaced by a civilian patrol, which lasted through the period when New Orleans was divided into three municipalities. This system, however, was far from satisfactory. As an historian of the police department has written:

With every change of administration there was a corresponding change of the constabulary. Nothing seemed to have counted in the scale against the claims of political reward, and in the knowledge that his official life was reckoned only by the tenure of office of those who appointed him, there was no incentive to the discharge of duty in any other than a perfunctory way. Trying to get on the winning side was the watchword, making the name of the police and politics synonymous.<sup>2</sup>

When the municipalities were reunited in 1852 the charter created a police force and placed it under the control of the mayor. From the outset the force was in politics. In 1853 control was placed in the hands of an ex officio board, but three years later it was returned to the mayor. During the Civil War the city was occupied by federal troops, whose authority replaced that of the local police. With the return of civilian government in 1866 the police force was again placed under the control of a board. This arrangement lasted until 1868 when the state legislature created a metropolitan police force for the area consisting of Orleans, Jefferson and St. Bernard parishes but having police powers throughout the state.<sup>3</sup> Although the law did not pro-

<sup>1</sup> *History, New Orleans Police Department*, Jan. 1, 1900, p. 5.

<sup>2</sup> *Ibid.*, p. 33.

<sup>3</sup> 1868 Acts, No. 74.

vide for selection on a basis of merit, it did declare that tenure should be during good behavior, that removals could be made only for cause, and that all vacancies in the higher ranks had to be filled by promotion from below. The force, which numbered at one time as many as 800 men, was well organized and well trained.<sup>4</sup> It continued in existence until 1877 when it was abolished following the withdrawal of federal troops from the state.

During the next ten years control of the police force was placed first in a board and later in the hands of the mayor. Neither was satisfactory, and so in 1888 a police civil service system was set up by act of the legislature. This act placed the appointing power in the hands of a board of police commissioners, but all appointments had to be made from civil service lists. This board continued in existence until 1946, though after 1900, when civil service was destroyed, it lost to the political machine in control at city hall its independent power to make appointments.

The police department came under control of Huey Long in 1934. A so-called civil service law required the members of all municipal police and fire departments to be approved by the state civil service commission. In practice, the commission issued warrants of appointment which were good for six months only. Persons whose warrants were not renewed automatically lost their jobs. This system was in effect only until 1935, however, at which time both the police and fire departments were returned to local control.

In 1943 civil service went into effect in the city, and since that time all vacancies have been filled according to standard civil service procedures. In 1946 the city elected a reform administration to replace the Old Regulars who had been in power at city hall since 1900, with the exception of the years from 1920 to 1925. At the request of the newly elected mayor, de Lesseps Morrison, and the commission council, the Bureau of Governmental Research invited Bruce Smith, noted police authority, to study the police department and make recommendations for its improvement. His report stressed particularly the need for clear-cut policies as respects both law enforcement and police department organization and control. It noted that, although the city had long had a "reputation as a community not suffering from puritanical inhibitions," it was important that its policies with respect to prostitution, liquor and gambling should be "clearly defined, openly declared and consistently applied."<sup>5</sup> With respect to the department itself, Mr. Smith declared that it "has never been well or effectively organized, has never been adequately supervised and controlled by higher authority, has never experienced any large degree of independence from partisan influence, and hence has never developed any morale of its own which would serve to keep it functioning before, during and after changes of political control."<sup>6</sup> He pointed out that the superintendent of police was subject to the control of three municipal agencies, involving no less than five different officials.

Many of Mr. Smith's recommendations were put into effect immediately. One of the most important improvements was the abolition by state law of the police board and the transfer of its powers and those of the commissioner of public safety to the mayor, thus straightening out the chain of command over the superintendent. Mr. Smith was brought back to New Orleans in 1947

<sup>4</sup> Norman Walker, "Municipal Government," in Henry Rightor, ed., *Standard History of New Orleans* (Chicago, 1900), pp. 113-114.

<sup>5</sup> Bruce Smith, *The New Orleans Police Survey*, prepared for the Bureau of Governmental Research, 1946, p. 1.

<sup>6</sup> *Ibid.*, p. 3.

to review departmental changes during the past year and to make additional recommendations. At that time he noted that "the spirit and purpose" of the earlier survey had been adhered to "with extraordinary fidelity" and that the major criticisms of the structural organization of the police department have been met in a most satisfactory fashion.<sup>7</sup>

Changes in structure, however, did not solve the problems of the department. From 1950 to 1956 there was an almost continuous investigation of criminal law enforcement in New Orleans and the surrounding area. This was carried on by Senate investigating committees, citizens' commissions, grand juries and the Metropolitan Crime Commission. In addition, the local newspapers have given front-page coverage to alleged irregularities in the police department, and the police department has operated since 1954 its own bureau for self-investigation.

The Senate Crime Investigating Committee held two-day hearings in New Orleans in January, 1951. Subsequently, Senator Kefauver, chairman of the Committee, called Louisiana "fantasia in law enforcement" and New Orleans "the center of the area from which much of the crime in the Bayou State emanates."<sup>8</sup> He pointed out that although New Orleans "has been cleaned up steadily" since Mayor Morrison took office, the city was still "one of the provincial capitol" of the slot machine and gambling rackets in the United States. He also quoted the head of the federal narcotics agency in New Orleans to the effect that the city "ranked in importance with other metropolitan port areas as a narcotics center."<sup>9</sup> Payments for protection were said to have been made, the "most clearly established" being in the case of the criminal sheriff of Orleans Parish, who, before his election to this position, had been chief of detectives in the police department.<sup>10</sup>

The first citizens investigating committee was appointed by the mayor in 1950, following the murder on New Year's eve of a prominent visitor to the city, to investigate conditions in the French Quarter. It had no staff, and so had to rely principally on information furnished by the police department. In 1952-53 a series of raids by the state police created a conflict with the local police and led to a demand for another investigation of the department. In April, 1953 the commission council created and financed a special citizens investigating committee (SCIC) with power to investigate and make recommendations. The committee was composed of three persons, one of whom was named by each of the following: the Bureau of Governmental Research, the Local Society of Former Special Agents of the F.B.I., and the newly chartered Metropolitan Crime Commission. When public hearings by the committee were stopped by court injunction, they were continued by the commission council until January, 1954.

The report of the committee was in six volumes, copies of which were sent to the mayor, commission council, grand jury and district attorney. Only the first volume, which represented the committee's recommendations, was made public. One of these was that the superintendent of police should be replaced and another, that Mayor Morrison "should devote more of his time

<sup>7</sup> Bruce Smith, *Report on Police Developments in New Orleans, 1946-1947*, prepared for the Bureau of Governmental Research, 1947, pp. 1-2.

<sup>8</sup> Estes Kefauver, *Crime in America* (New York, 1951), p. 97.

<sup>9</sup> *Ibid.*, p. 97.

<sup>10</sup> *Ibid.*, p. 98.



and attention to supervision of the activities of the police department and its top level officers."<sup>11</sup> Mayor Morrison in his reply to the recommendations defended the department and refused to fire its chief. He declared that

Much of the data is not substantiated, nor corroborated by any provable facts or evidence. Furthermore, many recommendations and conclusions of the committee are based on statements of so-called unidentifiable employees, or secret operators. In the absence of some corroborative facts, I must evaluate this data in the same light as any official would a series of anonymous statements, to be thoroughly checked, but very difficult to back up in a legal manner.<sup>12</sup>

An investigation by the Orleans Parish grand jury resulted in several indictments of individual policemen but no convictions. The managing director of the Metropolitan Crime Commission was cited for contempt of court, however, and given the maximum sentence of ten days in parish prison and a fine of \$100. His offense was refusal to give the name of a policeman who had furnished him with confidential information.

Following termination of the SCIC hearings in January, 1954, the city council, on the recommendation of the Orleans Parish grand jury, created a police bureau of investigation under the direction of a former F.B.I. agent, who was made assistant superintendent of police. Mayor Morrison announced that the new bureau would have a free hand in carrying on the work of the SCIC, that it could initiate investigations at its own discretion and would report to the city council after clearance with the superintendent and mayor.<sup>13</sup> About a year later the bureau announced that a "city wide and organized graft system" existed in the police department prior to June, 1955, and that "10 captains, 9 lieutenants, 26 sergeants and 46 patrolmen had been proven to be directly connected" with it.<sup>14</sup> The powers of the bureau, however, were subsequently curtailed and in June, 1956 the mayor announced that "the investigation of the New Orleans Police Department is being brought to an end, and that the Police Bureau of Investigation will henceforth be restricted to 'matters referred to it by the Superintendent or the Mayor.'"<sup>15</sup>

Federal grand juries have also investigated alleged corruption in the police department. A number of policemen have refused to answer questions on the ground that they might incriminate themselves, and others have been indicted for perjury and tax evasion.

The watch dog of criminal law enforcement in New Orleans is the Metropolitan Crime Commission, a non-profit corporation, which was chartered in 1953 and activated in 1954 following completion of the report of the Special Citizens Investigating Committee. The chief investigator of the committee became the managing director of the commission and has retained that position to the present time. The commission is a privately financed and operated anti-

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<sup>11</sup> "Recommendations of the Special Citizens' Investigating Committee of the New Orleans Commission Council," extracted from the Report of that Committee, dated April 1954, mimeographed, pp. 1, 9.

<sup>12</sup> *The Times-Picayune*, July 26, 1954.

<sup>13</sup> See copy of a letter from Board of Directors, M.C.C. to Mayor Morrison, June 30, 1956, mimeographed, p. 3.

<sup>14</sup> See copy of a letter from William J. Guste, President, M.C.C. to Mayor Morrison, mimeographed, June 4, 1956.

<sup>15</sup> Copy of a letter from the Board of Directors, M.C.C., to Mayor Morrison, June 30, 1956, mimeographed, p. 1.

crime organization devoted to the gathering of information, statistics, data, and evidence relating to law enforcement, and to reporting to appropriate public officials and to the public any indications of corruption or of lax or inefficient law enforcement. Its area of operations is Orleans, Jefferson and St. Bernard parishes.

The New Orleans police department, as noted in an earlier chapter, is one of the thirteen departments created by the home rule charter of 1954. It has as its head a superintendent, who is appointed by the mayor. The charter gives the power of appointment and removal to the chief administrative officer but provides that the mayor may by written notice assume the responsibility of supervision. Mayor Morrison assumed this responsibility shortly after the charter went into effect, and has retained it despite a great deal of popular criticism. Except for the superintendent, the deputy superintendent and the departmental secretary, the entire staff is under the city civil service system.

The city's freedom of action with respect to the police department is limited by certain provisions of the constitution. The home rule amendment provides that the city can make no change in the police pension system nor decrease the salaries or increase the hours of members of the force without previous legislative sanction.<sup>16</sup> An amendment of 1928 requires the city to levy a tax of not over three mills to be used for the maintenance of a double platoon system in the fire department and a triple platoon system in the police department.<sup>17</sup> The proceeds from this tax are not sufficient, however, to support either department. In the case of the police department the tax yields slightly more than one million dollars, or about one-fifth of its total budget.<sup>18</sup>

The police department is divided functionally into two major units—operations and administration. The former, which is under the command of the deputy superintendent, includes the patrol, juvenile, detective and traffic bureaus, the tactical unit, and the alcohol beverage division. The latter, which includes public information, civil defense, and bureaus of services, correction, and personnel and planning, is under the secretary, who has the title of deputy chief for administration. Certain other units, such as the narcotics and vice divisions, the inspection service, and the police bureau of investigation are under the direct supervision of the superintendent.

The patrol bureau, which is the backbone of the department, has the responsibility of original investigation of all crimes and other occurrences requiring a police report, the suppression of vice and the rendering of police service to persons who request it. Its emergency division gives medical assistance to injured or ill persons, and, if necessary, transports them to the hospital. It searches for bodies in the lake or river, and assists all branches of the department in heavy field operations. It operates a patrol boat on Lake Pontchartrain as an aid in rescue and enforcement work. The patrol bureau also supervises the six police districts into which the city is divided.

A call for police assistance is routed into the communications center, where, if action is required, a complaint form is filled out and the call is dispatched by radio to the district or accident investigation car which covers

<sup>16</sup> *Constitution*, Art. XIV, Sec. 22.

<sup>17</sup> *Ibid.*, Art. XIV, Sec. 25.

<sup>18</sup> *City of New Orleans Operating Budget*, 1959, pp. 29-31.

the area. Persons who are arrested are brought to the district station where their names and other information are placed on the arrest register. Each station contains temporary detention facilities,<sup>19</sup> where such persons are kept pending arraignment in the municipal court, transfer to parish prison to await arraignment in the criminal courts,<sup>20</sup> or release to a federal officer.

The police department, through its bureau of correction, operates the city jail, or House of Detention, which has a capacity of 240 prisoners. Persons are brought here to await arraignment in the municipal court when they are not ready for trial and cannot post bond, or following conviction in the same court with mandatory jail sentence or a fine which they are unable to pay. Mental patients are also confined here to await examination on order of a municipal court or transfer to Charity Hospital. Convicted prisoners are allowed to work while at the House of Detention, for which they receive a credit of two days for each day of confinement. Some prisoners work for city agencies as janitors, car washers, gardeners, etc., and others work at the city farm, which produces most of the vegetables consumed at the jail. Since the House of Detention has no facilities for women, they are housed at the parish prison.

The juvenile bureau, which was established in 1954, is responsible for the final processing of all delinquent juveniles and juvenile witnesses. Officers, who work in civilian clothes, receive an extensive training course which includes lectures by persons from the principal child-care agencies in the community. Juveniles apprehended by the bureau may be dismissed with a warning or referred with the parents to an appropriate welfare agency or to the probation department of the juvenile court. If any other branch of the department investigates a complaint which results in the arrest of a child, the juvenile bureau is immediately contacted and handles the case to its conclusion. Even in juvenile cases, however, the patrol officer makes the offense report, juvenile officers making only supplemental reports.

The functions of the remaining operating branches of the department can be more briefly stated. The detective bureau, composed of plainclothes officers, is primarily responsible for all follow-up investigations of criminal offenses. The traffic bureau directs traffic at busy intersections and also enforces the law so far as moving vehicles are concerned. The tactical unit is a specialized group which can be used at any time in areas which require supplemental patrol. Its primary mission is the prevention of crime and the prompt apprehension of criminals leaving the scene of crimes. The alcohol beverage division is responsible for preparing all reports on establishments where a violation of liquor regulations is found. It also conducts police record searches on all applicants for liquor permits or licenses.<sup>21</sup>

### Special Local Police

In addition to the police department, there are a number of other agencies that have limited police powers in the city. No other municipal agency, however, can have a police force,<sup>22</sup> although the superintendent of fire or his

<sup>19</sup> The capacity of the facilities varies from ten to eighteen prisoners, except that the first district station can accommodate 176 persons.

<sup>20</sup> For a description of these courts, see below, pp. 162-163.

<sup>21</sup> Most of the information on the organization and functions of the police department was obtained from a memorandum prepared by the police department for W. W. Shaw, director of the Department of City Civil Service, and by him made available to the authors.

<sup>22</sup> *Home Rule Charter*, Art IV, Ch. 5, Sec. 4-503.



representative has the powers of a police officer "while going to or attending any fire or alarm of fire."<sup>23</sup> Audubon and City Park have what are known as park police, who are frequently retired city policemen. They are in reality only watchmen, although they have the power to make arrests within the respective park areas. The school board uses school crossing guards, who are, however, paid by the city. Several state agencies located in the city also have police forces. The Mississippi River Bridge Authority, for example, has its own police officers, whose powers extend only to patrolling the new river bridge. They can issue either New Orleans or Gretna traffic tickets, since the bridge is partly in Orleans and partly in Jefferson Parish.<sup>24</sup>

The state agencies with the largest police forces are the dock board and the levee board. The former has a force of over forty men. The city police formerly patrolled the wharves, but apparently the arrangement was not satisfactory, and so the dock board secured legislative authorization to do its own policing. Persons arrested for violating dock board ordinances are booked at city police headquarters or a district station and tried in the district criminal court. The city police are sometimes called in, but they do no patrol work except in searching for narcotics. The chief of the dock board police is a graduate of the F.B.I. academy, and the members of the force are under state civil service.

The levee board police force was set up to protect the property of the board along the lakefront. It does not have statutory police powers but can make arrests because its members have been deputized as city officers. The board selects the men and the police department issues their commissions without any test of fitness for the job. The area under levee board jurisdiction is also patrolled by the city police.

There are some regular policemen permanently assigned to private firms, by whom their salaries are paid. There are also other special police who have been deputized by the superintendent of police to exercise limited powers. They serve as guards to private property and are commissioned to carry weapons while on duty. Such persons are not paid from public funds nor are they entitled to public employee benefits for such services. Regular city employees may be similarly deputized to guard public property or places, but they are entitled only to the compensation and benefits attached to their regular employment. All special police can make arrests within the area which they guard, but in adjacent areas they have no authority beyond that of a private citizen. As a result they go to court not as arresting officers but as complaining witnesses.

The district attorney's office also has authority to make arrests. This power has been used, for example, in raiding nightclubs and arresting entertainers accused of violating a city ordinance prohibiting lewd and indecent conduct. Such persons are booked in the same manner as those arrested by the city police.<sup>25</sup>

### Orleans Parish Agencies

The parish agencies which have a part in the enforcement of criminal law are the offices of the district attorney, the coroner and the criminal sheriff. These are parish offices, the heads of which are elected for four-year terms.

The district attorney is the prosecutor for the state, and handles all cases

<sup>23</sup> *Ibid.*, Art VI, Ch. 6, Sec. 4-602.

<sup>24</sup> *New Orleans States and New Orleans Item*, April 11, 1959.

<sup>25</sup> See *New Orleans Item*, July 3, 1958.



which come before the Orleans Parish criminal court. He does no civil work, nor does he handle any cases involving the violation of municipal ordinances. These are functions of the city attorney's office, which represents the city in all civil cases, as well as in contested misdemeanor cases heard by the municipal and traffic courts.<sup>26</sup> There are sixteen assistant district attorneys, two of whom are assigned to the juvenile court to handle cases in which adults are involved. Although the office handles no city cases, about three-fourths of its appropriations come from the city. None of its personnel is under civil service.

The coroner, who is elected for a four-year term, conducts post-mortem examinations and holds inquests in all cases of violent death and in other cases when requested by the district attorney or a district judge. He is also ex officio city physician, and as such exercises general supervision over sanitary conditions in all police stations, the House of Detention and all other penal institutions of the city. He must inspect them monthly and make a written report to the city council.<sup>27</sup> The entire cost of the coroner's office—approximately \$131,000 in 1959—is paid by the city.

The criminal sheriff is responsible for the performance of two principal functions: (1) to serve as the officer of the criminal court and (2) to supervise the parish prison. In the former capacity he serves all subpoenas, writs and other legal papers issued by the judges of the criminal court. He also has custody of persons who are to be brought before the court and of those who have been sentenced by it. The sheriff is assisted by a chief deputy, who is responsible for performance of the court functions, and a warden, who is in charge of the prison. The former has approximately sixty employees under his supervision and the latter, eighty, none of whom is under civil service.<sup>28</sup>

The prison is used not only for persons who are held for the parish criminal courts, but also to supplement the facilities of the city's House of Detention and to hold accused persons pending trial in the federal courts or transfer to other jurisdictions. The largest group of city prisoners are women, for whom there are no facilities at the city jail. Prisoners who are sentenced to hard labor are sent to Angola state penitentiary, since the parish prison has no facilities in this regard.

The prison has an average population of about 500. The city pays the sheriff eighty cents per day for each of its prisoners and the federal government pays two dollars. The city is billed monthly and the federal marshal, whenever a prisoner held for him is transferred.

As already noted, there are both city and parish criminal courts. The former are for the trial of persons accused of violating city ordinances; the latter, for the violators of state law. There are two courts of each type.

The Municipal Court, with four judges who are popularly elected for a term of eight years, has jurisdiction in all cases, except traffic, which involve a violation of municipal ordinances. Traffic cases are heard by the Traffic Court, which consists of two judges, also popularly elected for an eight-year term.<sup>29</sup> The state criminal courts for Orleans Parish are the criminal district and juvenile courts. The former, which has five judges elected for twelve-year terms, has original jurisdiction in all criminal and misdemeanor cases not

<sup>26</sup> See below, p. 163.

<sup>27</sup> L.R.S., Title 33, Sec. 1624.

<sup>28</sup> There is also a civil sheriff, who serves the Orleans Parish Civil District Court.

<sup>29</sup> *Constitution*, Art. VII, Sec. 94.

otherwise provided for by the constitution. It has "general and supervisory jurisdiction" over both the municipal and traffic courts and can hear appeals from them on both law and facts. The juvenile court, with three judges elected for eight-year terms, has jurisdiction, except for capital crimes and cases of rape committed by children between the ages of fifteen and seventeen, in all proceedings involving children under seventeen, including adoption cases.<sup>30</sup> Appeals go directly to the state supreme court.<sup>31</sup>

The constitution provides for the use of both the grand jury and the petit jury. The former, consisting of twelve persons, is empanelled twice a year, and at least nine must concur to bring an indictment. Charges may also be brought by information and affidavit. The former is an accusation by the district attorney; the latter, by the arresting officer or simply a private citizen. Information can be used where the offense is not a capital one, and affidavit, where the offense is a misdemeanor. Proceedings in the juvenile court involving neglected or delinquent children, however, are not required to be instituted by any of these methods.

The constitutional provisions relative to the use of the petit jury are as follows:

All cases in which the punishment may not be at hard labor shall, unless otherwise provided by law, be tried by the judge without a jury. Cases in which the punishment may be at hard labor, shall be tried by a jury of five, all of whom must concur to render a verdict; cases, in which the punishment is necessarily at hard labor, by a jury of twelve, nine of whom must concur to render a verdict; cases in which the punishment may be capital, by a jury of twelve, all of whom must concur to render a verdict.<sup>32</sup>

Since only misdemeanor cases are heard in the city courts, the use of both grand and petit juries is limited to the criminal district court.

### Jefferson Parish

The police function in Jefferson Parish is performed by the sheriff's office. As already noted, the constitutional amendment of 1956 which authorized the parish to adopt a home rule charter specifically excepted this office from its provisions. The sheriff is a constitutional officer who is elected at the general state election for a term of four years.<sup>33</sup> He is an important official in every parish of the state, not only because of his law enforcement powers but also because of his political influence resulting from popular election. This is particularly true in Jefferson Parish, where Sheriff Clancy was the political boss of the parish for more than a quarter of a century.

The Kefauver committee in its New Orleans hearings established the fact that big-time gambling establishments were operating in the parish. A citizens league had attempted to close them but without success. Although Sheriff Clancy at first refused to answer questions on the ground that his answers might incriminate him, he subsequently went to Washington and testified freely. There he declared that gambling had gone on in Jefferson Parish "for hundreds of years" and that "a man who was opposed to [it]

<sup>30</sup> *Ibid.*, Art. VII, Sec. 96.

<sup>31</sup> The civil courts in New Orleans are the Civil District Court for Orleans Parish, and two city courts. The latter are state courts with jurisdiction for the most part in small claims cases. *Ibid.*, Art. VII, Sec. 91.

<sup>32</sup> *Ibid.*, Art. VII, Sec. 41.

<sup>33</sup> *Ibid.*, Art. VII, Sec. 65.

could not run for office . . . and be elected."<sup>34</sup> He said that he condoned gambling because the casinos provided work for "underprivileged and old people who could not get work any place else," and that a deputy sheriff collected money from the clubs, not for protection, but for charitable and church organizations and "those various drives that they have."<sup>35</sup> He gave the committee his word of honor, however, that he would close up the gambling places, and he kept his promise.

With the election of a new sheriff in 1956, the New Orleans newspapers periodically reported slot machines and gambling at various places in the parish. In September, 1956 the Metropolitan Crime Commission charged that "an uncontrolled condition of organized vice and gambling" existed in the parish and that there were an estimated 268 locations at which gambling, prostitution and related crimes were current.<sup>36</sup> Apparently the sheriff made no arrests, however, since his "Report to the People" for 1956-57 lists "arrests by classification" ranging from aggravated assault to vagrancy, without any mention of gambling.

In 1959 law enforcement in Jefferson Parish was again under investigation by a Senate committee. Senator McClellan, chairman of the rackets investigation sub-committee, declared in a statement opening the hearings on the New Orleans area that Jefferson Parish had "long been notorious for the continuing operation of gambling despite the illegality of these operations."<sup>37</sup> With respect to the coin-operated machine industry, he declared that "certain key racket figures have achieved a degree of domination . . . where they are able to single handedly enforce their control over locations, through threats, coercion and in some cases through alliance with corrupt public officials."<sup>38</sup> A key witness before the committee, was reported by *The Times Picayune* to have invoked the constitutional guarantee against self-incrimination sixty-eight times and to have "left a heavy cloud over some Jefferson Parish law enforcement officials."<sup>39</sup>

The sheriff's office functions through two operating divisions—criminal and civil, both of which have an office on each bank of the river. The criminal division, with personnel totalling approximately 150, includes criminal investigation, juvenile and intelligence units. The last-named is charged, according to the sheriff's report, "with the discovery and eradication of subversion, including all groups which are considered dangerous to the welfare of the United States."<sup>40</sup>

The sheriff's deputies do not commonly work in the municipalities of the parish, though they will go in if requested. Prisoners, however, will be held in one of the three parish jails, which are located on the West Bank, the East Bank and at Grand Isle. The last two are only lock-ups but the first is a modern prison, recently completed, which accomodates approximately 125 inmates. Long-term parish prisoners are sent to the state penitentiary, but short-term ones are kept in the parish prison. The sheriff's office also co-

<sup>34</sup> Kefauver, *op. cit.*, p. 102.

<sup>35</sup> *Ibid.*, p. 103.

<sup>36</sup> Resolution, Metropolitan Crime Commission, Sept. 27, 1956, mimeographed.

<sup>37</sup> *The Times-Picayune*, March 24, 1959.

<sup>38</sup> *Ibid.*

<sup>39</sup> March 25, 1959.

<sup>40</sup> *This is Your Business, A Report to the People by the Sheriff of Jefferson Parish*, 1956-57, p. 4.

operates with the state police, both of which do highway patrol work. Relations with the New Orleans police department are also generally friendly, although on occasion there are charges on both sides of a failure to cooperate.

The civil division of the sheriff's office is the tax-collecting agency for the state, parish and other local governments except the municipalities. Seven per cent of all collections is payable to the sheriff for the support of his office.

All of the municipalities of Jefferson Parish have a police force, which ranges in size from three in the case of Harahan to approximately twelve for Gretna. The head of each force is a marshal, who is popularly elected for a term of four years. Each municipality maintains its own jail except Gretna, which uses the parish prison. The Kenner police department has jurisdiction over Moisant Airport, for which it receives the revenue from the parking meters. Under an act of 1956<sup>41</sup> each municipality is entitled to state aid for its police force. The aid ranges from \$16.66 per month for officers with one year of service to \$50.00 for those who have been on the force for six years or longer.

### St. Bernard Parish

St. Bernard Parish also has a sheriff, who is popularly elected for four years. In general, the powers of the office are the same as in Jefferson Parish. The personnel is smaller, numbering about 85 employees, all of whom are politically appointed and approximately one-half are part-time. The sheriff is also tax collector and receives 13 per cent of all collections for the support of his office. There is a parish jail in which convicted persons serving a sentence of less than two years are kept. Relations with law enforcement agencies in nearby jurisdictions seem to be good, although a feud between a former sheriff and the criminal sheriff of Orleans Parish resulted in each refusing requests of the other to serve subpoenas on residents of their respective parishes.

The Kefauver committee also questioned the sheriff of St. Bernard Parish. When asked about slot machines in the parish, he replied, "I don't snoop."<sup>42</sup> He revealed that he had a supplementary income which was considerably more than his salary, but invoked the fifth amendment when questioned about its source.<sup>43</sup>

The Metropolitan Crime Commission is authority for the statement that enforcement of the anti-gambling laws is more effective in St. Bernard than in either Orleans or Jefferson Parish.<sup>44</sup> When Mayor Morrison took exception to this statement, the Commission released figures secured from the Internal Revenue Service showing that the gambling stamps issued and the gambling tax collected in St. Bernard Parish were only a small fraction of what they were for either Orleans or Jefferson. What such figures prove, however, is difficult to say.

### State and Federal Agencies

In addition to the agencies with strictly local police authority, there are in New Orleans several others whose authority is either state or nationwide. One of these is the state police, with headquarters in Baton Rouge and ten

<sup>41</sup> 1956 Acts, No. 323.

<sup>42</sup> Kefauver, *op. cit.*, p. 100.

<sup>43</sup> *Ibid.*, p. 100.

<sup>44</sup> *The Times-Picayune*, August 8, 1956.



troops located at various cities of the state, including New Orleans. The New Orleans troop covers the entire metropolitan area plus three adjacent parishes.

The state police have no authority within the city limits except when in hot pursuit of a fugitive or in search of an offender wanted outside the city, or when ordered by the governor or requested by the mayor.<sup>45</sup> Normally, therefore, the local troop's activities, so far as the city is concerned, are confined to informal cooperation, particularly in connection with the enforcement of the narcotics laws. For this purpose one or more state police is permanently stationed at city police headquarters to work with the local narcotics division. There is also full cooperation in such matters as exchange of information and mutual assistance in the apprehension of criminals.

During the period from 1952 to 1956 the state police were much more active in the city than either before or since. State troopers were sent into the city on various occasions, sometimes allegedly without even notifying the mayor or superintendent of police. On other occasions the two forces staged combined raids, as, for example, in 1954, when a "new" policy with respect to gambling was announced as a result of a conference participated in by the heads of the city and state forces and members of the Metropolitan Crime Commission.<sup>46</sup> At that time raids were led jointly by officers of the state and city forces.

In Jefferson and St. Bernard parishes the state police seem to have worked cooperatively with the local sheriffs in recent years. On one or more occasions, when the New Orleans newspapers were giving front page publicity to alleged gambling operations in Jefferson Parish and demanding action by the governor, the state police have staged raids after giving public notice that they were going to do so. The vigor with which the state force acts to suppress local gambling on orders of the governor depends in considerable part on the political relationships between the chief executive and the sheriffs.

With respect to federal law enforcement agencies in the New Orleans area, it seems sufficient merely to list them. Those having the power to make arrests include, in the Department of Justice, the Federal Bureau of Investigation and the Immigration and Naturalization Service; in the Treasury Department, the Alcohol and Tobacco Tax Division, the Customs Service, the Bureau of Narcotics, the Internal Revenue Service, and the Secret Service; in the Department of the Interior, the Management and Enforcement Branch of the Bureau of Sports, Fisheries and Wild Life; and in the Post Office Department, the postal inspectors. There are also in New Orleans a United States Attorney and a marshal, both of whom serve the twenty-three parishes which constitute the Eastern District of Louisiana. New Orleans is also the site of a United States District Court and headquarters for the Fifth Circuit Court of Appeals.

## FIRE PROTECTION

### New Orleans

The first organized effort to protect New Orleans against fire came as a result of the conflagration of 1788, which destroyed most of the city. By 1792 fire engines were in use and an *Alcalde de Carrio*, or commissary of police, in each of the four wards of the city was in command at all fires.<sup>47</sup>

<sup>45</sup> L.R.S., Title 40, Sec. 1387.

<sup>46</sup> *The Times-Picayune*, October 29, 1954.

<sup>47</sup> Thomas O'Connor, ed., *History of the Fire Department of New Orleans*, (New Orleans, 1895), pp. 36-37.

In 1807 the city council passed a comprehensive ordinance which continued the commissaries in each district, provided for the appointment of a foreman and at least twelve men for each engine, and gave the commissaries the power "of compelling all persons present [at a fire] to work and of preventing them from departing before the cessation of the fire."<sup>48</sup> Compulsory firefighting was not satisfactory, however, and in 1817 the commissaries were replaced by fire commissioners in each ward, who were given the authority "to keep as far as possible from the fire all idle persons."<sup>49</sup>

In 1829 the first volunteer fire company was organized, and during the next twenty-five years the number grew to twenty-four engine companies, four hook and ladder companies and several hose companies.<sup>50</sup> Relations with the city council, however, were not good. In 1855 the city disbanded a number of the companies and enacted an ordinance which provided for the payment of firemen for their services. Because of these and a number of other grievances which they were unable to settle, the volunteer firemen marched to city hall and surrendered all the equipment which the city owned. It was expected that the council would then award the contract for fire protection to the fire underwriters association but the Firemen's Charitable Association, established in 1834 as a welfare organization and now acting for the volunteer firemen, submitted the low bid. It got the contract and for thirty-six years thereafter administered the city's fire department. The end of the volunteer system came as a result of a protracted dispute between the Association, on the one hand, and, on the other, a board of control, consisting of insurance men, which the council had created to supervise the work of the department. The *Picayune* thus summarized the reasons for the change:

For a long time there has been a steadily growing desire for a change in the fire service. This demand has not been so much based upon any special defect or failure in the present service. It is much to be doubted if any real fault can be found with the manner in which the business of extinguishing fires in this city has been conducted, but so urgent is the desire for change that there is a certain feeling of revolt against any institution that has successfully maintained itself for half a century in spite of all the forces of opposition that could be brought to antagonize it. Moreover, the old fire organization has been charged with being an objectionable political machine, but it is just possible that the political power of the Association only came to be considered objectionable when it could not be controlled for the benefit and advancement of those who have most actively sought to show up its shortcomings. Latterly there has been a strong and growing demand among insurance interests for a radical change in the fire service, and this has operated more than anything else to bring about the revolution which appears to have been finally accomplished.<sup>51</sup>

The paid department which was set up in 1891 was placed by ordinance under the control of an eleven-man board, nine of whom were named by the city council. This arrangement was confirmed by state law in 1894, which gave to all employees of the board a "perpetual" tenure of office unless removed for cause.<sup>52</sup> In 1896 they were brought under the newly established civil service system, but this lasted only until 1900, when the civil service law was so seriously weakened that it afforded no protection against political appoint-

<sup>48</sup> *Ibid.*, p. 44.

<sup>49</sup> *Ibid.*, p. 47.

<sup>50</sup> *Ibid.*, p. 52.

<sup>51</sup> Quoted, *Ibid.*, p. 351.

<sup>52</sup> 1894 Acts, No. 83.

ment and removal. Political control was further strengthened in 1910 when the board of commissioners of the fire department was reorganized to consist of the mayor and two others appointed by him with the consent of the council.<sup>53</sup> When the commission form of government was adopted in 1912, the board was made to consist of the mayor and two of his colleagues.

As already noted, both the police and fire departments came under the domination of the Long machine in 1934, but control was restored to the city the following year and in 1943 the personnel of both departments was placed under civil service. Salaries in both departments have been low, however. The firemen, through the New Orleans local of the International Fire Fighters Union brought suit against the city in 1939, alleging that they were the worst paid firemen of any city of comparable size in the United States. They also charged that tax revenues dedicated to the fire department by constitutional amendment in 1928 had been merged in the general fund and partially diverted. They lost the suit,<sup>54</sup> but were finally successful in 1948 in securing passage by the legislature of an act which increased their salaries and reduced their work week. When the city refused to put the act into effect, the firemen again went to court and won their case.<sup>55</sup> The fire department is therefore financed from a constitutionally required tax plus an appropriation from the city.

The city charter places the fire department<sup>56</sup> under the direction of a superintendent, who is appointed by the chief administrative officer. There is also an assistant superintendent who is the personnel officer of the department. The total number of employees is in excess of 900, of whom about 850 are on the active force.<sup>57</sup> All of them are under city civil service. For fire-fighting purposes the city is divided into eight districts, each of which is under a district chief and contains from five to eight companies. The department operates on a two-platoon system and a sixty-hour per week basis.

All firemen, before being assigned to a company, are given a two-weeks training course. Refresher courses are also offered. There are regularly scheduled company drills and a school for officers. New training facilities and equipment have recently been acquired, and classroom space is provided at the Delgado Trades School. The training program has been made available to firefighters from neighboring parishes, members of the Coast Guard and civil defense firemen.

Prior to 1956 the city relied on a telegraph system for fire alarms. At that time it entered into a contract with the Southern Bell Telephone and Telegraph Company for the installation and maintenance of a telephone-type system. This consists of 750 telephone boxes for emergency reporting of fires and of modern equipment at both headquarters and fire stations. Water is supplied by the Sewerage and Water Board. All fire alarms are reported to the police dispatcher and broadcast over the police radio with at least one squad car detailed to respond. They are also reported to New Orleans Public Service, Inc., which sends a maintenance truck in the case of all multiple alarms and to building fires at dangerous locations.

<sup>53</sup> Howard, *op. cit.*, pp. 17-21.

<sup>54</sup> *Zierner v. New Orleans*, 195 La. 1054 (1940).

<sup>55</sup> Howard, *op. cit.*, pp. 65, 120.

<sup>56</sup> The Committee on Fire Prevention and Engineering Standards of the National Board of Fire Underwriters made an exhaustive study of firefighting facilities in New Orleans in 1955. Its report, published in August, 1956, is regarded as containing confidential information and is therefore not available for public use.

<sup>57</sup> New Orleans Fire Department, *Annual Report*, 1958, p. 2.



The fire department has a fire prevention division, which was created by city ordinance<sup>58</sup> and is concerned solely with fire prevention problems and arson investigations. It has a staff of about twelve investigators, all of whom are trained for this work. The division works closely with the office of the State Fire Marshal, which is located in New Orleans. Both agencies inspect buildings in search of fire hazards and carry on fire prevention programs of an educational nature. The local agency investigates fires of suspicious origin and where arson is suspected, notifies the office of the State Fire Marshal, which has the power to summon witnesses, administer oaths and punish for contempt. Cooperation between the two agencies is facilitated by the fact that under state law all municipal fire chiefs and officers in charge of fire prevention are deputy fire marshals.

In addition to the city's fire department, there are several other agencies which maintain limited firefighting facilities. There is a volunteer company in the Fort Pike area. Federal military installations and a number of the larger private industries have some equipment, and the dock board has a tug, the *Deluge*, for the protection of ships and port facilities. The *Deluge* is manned by thirty men, working in ten-hour shifts of ten men each, with the remainder used for relief in case of sickness or emergency. It operates independently of the local fire department except in the case of wharf fires, when it is under the direction of the city's fire chief. The *Deluge* covers about twelve miles of river front, including the docks and wharves on both sides of the river. The city's fire department also answers all dock and wharf alarms, and assistance is likewise available from the local military installations. The Navy and Coast Guard stations have one fire boat each and the Army has two, all of which can be used on a basis of mutual aid.

### Jefferson Parish

Prior to 1958 there were in Jefferson Parish four fire protection districts. They were created by the police jury, which was their governing body until it was replaced by the council-president. The fire protection function was then assigned to a newly created department of safety, which took over all former district employees. Since that time the situation has not changed a great deal due to the fact that the three operating districts had long-term outstanding debts secured by special tax revenues.<sup>59</sup> There is, however, centralized direction of operations in districts 1 and 2 through a fire chief in each, who is responsible to a single superintendent appointed by the department head. Also, there is a single relief district chief and a maintenance supervisor who can be assigned to either district, as well as unified fire alarm and fire prevention divisions. Revenues and expenditures have to be kept separate, however, with no transfer of funds between districts. The two districts have a total of about ninety-five full-time firefighters. Training is carried on in the parish through the Jefferson Trade School, with first aid instruction by the Red Cross.

Districts 3 and 4 have volunteer departments with only a few paid firefighters. The former levies no tax and has no bonded indebtedness. Its revenues have come partly from the state property tax relief fund and partly from such sources as benefit fairs and house-to-house canvassing. The latter had a bonded indebtedness of \$224,000 in 1958 but, by the terms of an agree-

<sup>58</sup> Ordinance No. 770, Mayor Council Series.

<sup>59</sup> See Jefferson Parish Project Report, Part 1, *op. cit.*, pp. 37-40.



ment with the police jury and Waterworks District No. 6, had turned over its fire protection function to the waterworks district.<sup>60</sup> No fire station was in operation, however, when the parish changed its form of government, but since that time a volunteer company has been organized.

Fire protection in all the municipalities of Jefferson Parish is supplied partly on a public and partly on a volunteer basis. Gretna, for example, has two volunteer companies, one of which—the David Crockett Fire Company—operates three stations. This is said to be the oldest volunteer company in the United States, having been established in 1841. The other—the Gould Fire Company—has one station. Each station has a few paid employees, but most of the members of the company are volunteers. Funds are raised by fairs and private contributions.

The situation in the other municipalities is much the same. Westwego has three fire stations; Kenner, two; and Harahan, one. Each has a few paid employees, but the majority are volunteers. In Kenner a member of the board of aldermen is fire chief, and in Harahan the city marshal serves in that capacity.

#### St. Bernard Parish

In St. Bernard Parish there are two fire districts, both of which are under the police jury. There is in reality, however, only a single department, since there is one fire chief who has all the stations under his supervision. One district has three stations and the other, one station, at each of which there are some paid firemen. The Chalmette station, which is the oldest, was originally entirely a volunteer unit, but the others were acquired after the districts were set up. The department is financed by a three and a half mill tax. There is no fire alarm system, communication being by the regular telephone lines. Several of the large industries located in the parish have their own firefighting units, which are available in case of emergency.

#### CIVIL DEFENSE

The civil defense program, which is national in scope, is based on an act of 1950 creating the Federal Civil Defense Administration. This agency was originally charged with the responsibility of stimulating and assisting the states and local communities in making plans to minimize the effects of disaster "in case of attack" and to promote the training of volunteer personnel. This concept was expanded by executive order of 1953, however, to include protection in case of any natural disaster.<sup>61</sup> The federal legislation is supplemented for Louisiana by state laws of 1950 and 1951,<sup>62</sup> which set up a State Civil Defense Agency and authorized the parishes and cities to establish local agencies under a director appointed by the governor on the recommendation of the local executive authority. The three parishes in the New Orleans area were specifically authorized to establish a tri-parish agency by an agreement which would "include plans, program, administration, personnel, unified operation, allotment of available equipment, and distribution of costs and funds" in proportion to their population.

<sup>60</sup> *Ibid.*, pp. 161-162.

<sup>61</sup> Commission on Safety Education, National Education Association, *Civil Defense Education Through Elementary and Secondary Schools*, p. 9.

<sup>62</sup> 1950 Acts, No. 38, amended by 1951 Acts, No. 14 (Special Session).

These laws were in turn implemented by a city ordinance which authorized the establishment of an Office of Civil Defense to "prepare for, coordinate and carry out all emergency measures, other than military, necessary to minimize and repair injury and damage resulting from disasters caused by enemy attacks or other hostile action or by fire, flood, earthquake or other natural causes."<sup>63</sup> In order to carry out these responsibilities, the mayor was authorized to "utilize the services, equipment, supplies and facilities" of all departments, offices and agencies of the city.

The Office of Civil Defense in New Orleans is an independent agency with a staff of nine employees and a budget of about \$65,000, all of which is provided by the city. Jefferson Parish has a parish-wide organization, with a part-time assistant director on each side of the river. St. Bernard seems to have little more than a paper organization, and this is also true of the Jefferson municipalities. The three parishes have not established a tri-parish agency, as authorized by law, but work together on a basis of informal co-operation.

Metropolitan New Orleans has been designated as a "critical target area" for civil defense planning. The parishes included in the area are, in addition to Orleans, Jefferson and St. Bernard, Plaquemines and St. Charles. Representatives of these five jurisdictions have approved a "survival plan," which is based on evacuation of the population, rather than on the use of shelters, in the event of air attack. A map of the heavily populated portion of the area has been published and widely distributed, which shows the evacuation routes, the main streets leading into them and the directions in which traffic should move. Centers for the reception of area evacuees have been designated in fifteen Louisiana parishes and twenty-five Mississippi counties. There are also six assembly areas, in which civil defense workers will gather prior to planning a return to the city.

Warning of an enemy attack is by siren, which will sound either a "take cover" or "alert" signal. If either is sounded, all radio and television stations will go off the air and what is known as "Conelrad," broadcasting on reduced power, will come on at 1240 on radio dials. Thereafter, all information and instructions will come from this source. The New Orleans area has taken part in the test alerts which have been held on a national scale and there have also been several special ones for the city, as well as at least one each in Jefferson and St. Bernard parishes. The sirens in the parishes, however, are not in the city's siren system.

The New Orleans Office of Civil Defense has five divisions—administrative, technical, protective, medical, and welfare—each of which is divided into a number of sections. The division and section heads are for the most part the heads of government agencies whose normal functions are closely related to those which would have to be performed in the event of disaster. Certain types of equipment which can be used by these agencies in civil defense oper-

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<sup>63</sup> Ordinance No. 18, Commission Council Series.

tions can be purchased by the city, and, if federally approved, paid for by the federal government on a matching basis. Surplus property owned by the federal government can also be secured at a nominal cost.

The Office of Civil Defense coordinates not only the work of agencies like the police, fire, health and sanitation departments but also that of many private organizations and firms, such as radio and television stations, the telephone company and New Orleans Public Service, Inc.<sup>64</sup> It has also promoted civil defense in the larger industrial plants of the area, as well as the development of mutual aid plans under which the companies agree to help each other in the event of a local disaster, such as fire or explosion. There are also thousands of volunteers who have been assigned specific tasks in the event that disaster strikes.

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<sup>64</sup> See Chapter XI.

## CHAPTER IX

### STREETS AND BRIDGES

The construction and maintenance of roads and bridges have been a responsibility of local governments for centuries, but in recent years have come at least in part under state control. The revolution in transportation wrought by the invention of the automobile has complicated the transportation problem, especially in urban areas. The problem has been particularly vexing in older cities, such as New Orleans, where street systems not suitable to the needs of the automotive age had been developed. Solutions to transportation bottlenecks in the New Orleans area have been attempted through a variety of programs involving numerous different agencies. Before undertaking to describe the work of these local agencies, the development of state policy with respect to roads and bridges will be reviewed.

#### STATE AID AND SUPERVISION

Prior to the advent of the automobile, road construction was entirely a matter of local concern. According to William Ross:

Each subdivision constructed its roads in its own way with little or no regard for any particular standard, with no definite system, design, or particular object in view, and with a total lack of coordination in the work and in the organization of roads; the result was many miles of roads indiscriminately laid out and built of good, bad, and indifferent types and designs. Not only did this method of local road construction fail to provide adequate roads but much of the work done was of a temporary nature and required reconstruction year after year.<sup>1</sup>

The first step in the direction of a unified road system was taken in 1909 when agreements were made between the state and the parishes under which convicts were to be used regularly for road improvement. The following year an act of the legislature created the state highway department. Under this act and a constitutional amendment adopted in 1913, the highway department was authorized to give state financial support to the parishes and to supervise the construction and maintenance of highways. Revenue was to be derived from the state property tax.

The newly created highway department made construction funds available to the parishes on application. The parishes, for their part, were required to demonstrate a willingness to make funds available to cover a part of the cost. In addition to monetary aid, the parishes were entitled to three other forms of assistance. These were convict labor, use of state road equipment, and work done by the highway department, with the parish and the state sharing the cost equally. Added impetus was given to both state and local programs by the Federal Aid Road Act of 1916. Since that time numerous changes have taken place in agency administrative structure, as well as in the forms of aid and the supervision given to parishes and municipalities.

In 1921 the state highway department was reorganized and the relationship between the parishes and the state in highway construction reversed. Police juries were authorized on their own initiative to petition the highway

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<sup>1</sup> William D. Ross, *Financing Highway Improvements in Louisiana* (Baton Rouge, 1955), p. 41.



commission to construct highways, with the parish paying 25 per cent of the cost. The highway commission, however, might on its own initiative construct state-designated highways. In so doing it could assess the parish as much as 25 per cent of the cost. If the assessment was not honored, further construction in the parish was enjoined. None of these provisions precluded state construction and maintenance of other projects entirely at its own expense, and some were undertaken.

The enactment of a four-cent per gallon gasoline tax in 1928 temporarily halted the practice of constructing roads jointly paid for by state and parish governments. Ten years later, however, the legislature reinstituted a program of state aid to parishes for highway purposes. The act created a system of local roads, called "farmers' roads," and authorized the highway commission to cooperate with police juries in constructing such roads. In addition, 10 per cent of the mineral royalties from state-owned lands were to be credited to those parishes in which the land was located, and these funds could be used for highway maintenance and construction.

From that time to the present a rapid expansion has taken place in the state aid program. An act of 1942, which abolished the Louisiana Highway Commission and created the present state highway department, also authorized the state to assist in the construction and improvement of rural mail and school bus roads and farm-to-market roads not in the state maintenance system. The 1944 legislature appropriated \$900,000 from the general fund to parishes for the construction and maintenance of gravel roads and for drainage purposes. Later the act was amended to require that projects undertaken with these funds be approved by the chief engineer of the highway department. The annual appropriation was increased to \$1,920,000 (\$30,000 per parish) in 1948, and approval was shifted to the local legislative delegation. Other aid to the parishes has resulted from the gradual absorption of local roads into the state system.<sup>2</sup>

Studies conducted by the Automotive Safety Foundation and at Louisiana State University were instrumental in the enactment of legislation in 1954 and 1955 which greatly expanded the role of the state in highway affairs, while providing additional funds to local units.<sup>3</sup> The state system was reorganized to include three classes of roads: class A, or primary roads, totaling 4200 miles; class B, or secondary roads, totalling 4300 miles; and class C, or farm-to-market roads, totalling 6750 miles. Additionally, the highway department was directed to repair and maintain at its sole expense all municipal roads and streets which are extensions of state highways. Designation of particular streets or roads as part of the state system is the responsibility of the highway department, but the work may be contracted out to the municipality. Maintenance expenses are borne entirely by the state except for sewers, street lighting, gas and water mains and other utilities. The cost of new construction and of the relocation of roads, overpasses, underpasses, bridges, tunnels or other highway improvements in the state system located in the municipalities is divided between the department of highways and the municipality. The act also requires municipalities of over 5000 population to adopt a master street plan to be submitted for approval to the highway department in order to insure the proper location of streets in relation to state highway connections.<sup>4</sup>

<sup>2</sup> *Ibid.*, Ch. 2.

<sup>3</sup> The two studies are Ross, *op. cit.*, and Automotive Safety Foundation, *Louisiana's Highway Problem* (Baton Rouge, 1954).

<sup>4</sup> L.R.S., Title 48, Secs. 191-193.

Additional legislation enacted in 1955 established a parish road system consisting of all public roads not previously included in the state-maintained system and meeting the definition contained in the act.<sup>5</sup> The act further requires each parish to file a map with the department of highways showing all roads in the system. In addition, parishes are given a three-year period of grace, after which they must operate under a unit system in order to obtain financial aid. A parish road section is created in the department of highways to establish specifications and maintain standards for all parish roads, bridges, tunnels and highway improvements. Finally, the act established a financial distribution system which continued existing programs but provided a formula for additional allocations based on the annual construction and maintenance cost needs of the various parishes as found in the study made by the Automotive Safety Foundation. Under the formula each parish receives an amount in proportion to its percentage of the total annual need of all parishes. No parish may receive less than \$5,000 and Orleans Parish is given the flat sum of \$329,000.<sup>6</sup>

The state department of highways, which is charged with the responsibility of administering the state system, as well as supervising the local systems described above, is governed by a board, consisting of the governor and one gubernatorial appointee from each of the state's eight congressional districts.<sup>7</sup> The executive officer of the department is the highway director, who is appointed by the board. For administrative purposes the state is divided into eight districts which coincide with the congressional districts. Each of the districts (except the first and second, which are combined) has its own maintenance and construction engineer.<sup>8</sup>

## STREET CONSTRUCTION AND MAINTENANCE

### New Orleans

Basic responsibility for street construction and maintenance in the city of New Orleans has been entrusted to the Department of Streets, which is headed by a director appointed by the chief administrative officer. According to the charter the powers of the department are to:

- 1) design, construct, pave, maintain and mark streets, bridges and related structures and approaches;
- 2) design, install, and maintain the street lighting system, where such is not otherwise provided by contract;
- 3) supervise, regulate and control installations in, above or under streets;
- 4) establish elevations and control grades of streets;
- 5) survey, when necessary, all property to be acquired or sold by the city; and
- 6) collect and compile traffic data, and in general regulate traffic and parking within the city.<sup>9</sup>

<sup>5</sup> Parish roads were defined to include roads connecting two parish roads, or two roads in the state highway system, or a state road and another parish road.

<sup>6</sup> L.R.S., Title 48, Secs. 751-758.

<sup>7</sup> Appointments are made from recommendations of a State Boards Panel from names submitted by the governing authorities of parishes and the city of New Orleans.

<sup>8</sup> For additional discussion of the Highway Department see William C. Havard, *The Government of Louisiana* (Baton Rouge, 1958), pp. 167-170, and Louisiana Legislative Council, *The Government of Louisiana* (Baton Rouge, 1959), pp. 175-182.

<sup>9</sup> *Home Rule Charter*, Art. 4, Ch. 9.

Administratively, the Department of Streets is divided into three operating divisions: traffic, engineering, and maintenance, each headed by a registered engineer who has civil service status. Although the traffic division was not created until 1946, in some respects it has become the focal point of departmental operations. Among the functions for which the division is responsible are traffic surveys, reports, and planning; maintenance of street signs and street name continuity; conduct of traffic safety programs; and operation of a shop which maintains signals and makes and maintains traffic and street signs.

A representative sample of the division's workload during a typical year included a traffic study which resulted in the redesigning and signaling of one intersection, the signaling of thirteen other intersections, the installation of approximately 10,000 traffic signs and 25,000 permanent street markers, and the sponsorship of weekly TV and radio programs designed to dramatize the need for an increased awareness of traffic safety.<sup>10</sup> The division also works closely with New Orleans Public Service, Inc.,<sup>11</sup> particularly in connection with bus and street car routes in the central business district. They have recently cooperated in a survey of traffic problems on Canal Street. The division also maintains a continuing liaison with NOPSI in its study of one-way streets in order to avoid as much as possible disturbing established bus routes.

The engineering division of the department is responsible for planning, designing and supervising the construction of streets. It is also responsible for property research and surveying. The activities of the division include the widening, paving and resurfacing of streets, and providing for subsurface drainage. The maintenance division has its own crews which it uses for all maintenance and grading work.

Street lighting in New Orleans is not under the control of the Department of Streets but is handled by the Department of Utilities. The administration and planning of the basic lighting system is the responsibility of the director, but minor requests are handled by the franchises division. In all cases, however, actual installation and maintenance is done by NOPSI, but paid for by the city.

The simple enumeration of functions may lead to the erroneous conclusion that a relatively uncomplicated municipal service is being performed in a simple manner by the Department of Streets, with an assist from the Department of Utilities. In practice, however, the processes of decision making in, and the administration of, a streets program are extremely complex. The epitome of this complexity is to be found in the formulation of a major street plan for the city. Formal responsibility for drawing up the plan is vested in the planning commission and final adoption is by the city council. Operationally, the enterprise is a cooperative one, involving not only the planning commission and the council, but also the streets department and often other agencies like the Sewerage and Water Board, the State Highway Department and even the United States Bureau of Public Roads. Each of these agencies is concerned with the plan in varying degree and at various stages. An illustration is found in the announcement regarding development of a large area east of the industrial canal:

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<sup>10</sup> Department of Streets, *Annual Report*, 1956.

<sup>11</sup> See Chapter XI.

The area involved is largely swamp land and since its future development involves important problems of drainage, sewerage disposal and water supply, city planners do not envisage that such development will take place until well into the last quarter of the twentieth century.

While it is still virgin territory the planning commission is setting out to lay out the general plans for future development . . . The next step in planning is the development of a major street plan to tie in with the existing major street plan for built-up and developing sections of the city.

The only routes on the proposed major street plan which have been named are the Chef Menteur semi-expressway, the United States Highway 11 route leading from the Chef Menteur Highway to the Ponchartrain Bridge and the proposed Eastern Expressway, which will provide an alternate Highway 11 route.<sup>12</sup>

An equally complicated highway project in which coordination was a vital factor is the grade separation program discussed in Chapter X. For various reasons the program was separated from the regular streets program, but the streets department and planning commission were consulted regarding the general layout, and often participated in operational aspects of the program.

A similar involvement prevailed with respect to the construction of the new Mississippi River bridge. Again, construction and maintenance were placed in an independent agency, but the planning and streets departments were consulted, especially with respect to the development of approach highways. In the end the city entered into a contract with the Mississippi River Bridge Authority by which it agreed to construct a number of approach streets.<sup>13</sup>

A similar arrangement was made by the Department of Streets and the Housing Authority of New Orleans, whereby the streets department paved streets adjacent to housing projects. Under the agreement the city paid for the construction from revenue made available by the federal government in lieu of city taxes on housing authority property.

The elaborate interrelationships between federal, state, and local governments as respects street location and construction are matched by an equally elaborate system of financial aid. State and federal funds have been the primary revenue sources for projects other than those characterized as municipal streets. The city has obtained large sums from the state for the construction and maintenance of extensions of state highways within the city limits. There have also been grants for paving, maintenance of street markings, traffic signals, grass cutting, and surface drainage. The total within recent years has usually been in excess of \$1,250,000 per year, derived chiefly from the city's share of the state gasoline tax and a state-collected locally-shared license tax on drivers and chauffeurs.

In addition to the regular state grants, the city has also benefitted from what is known as State Highway Fund No. 2, which was created by an act of 1952. This act provided for the issuance of bonds for improvements on state highways 11 and 51, and allocated \$750,000 per year for three years to the Mississippi River Bridge Authority, and \$350,000 for four years to the Greater New Orleans Expressway Commission for engineering costs. After 1957, 50 per cent of the surplus money in the fund, after debt service and special obligations, is paid annually to the bridge authority until its bonds are paid. All money remaining in the fund after all specific requirements are met is trans-

<sup>12</sup> *The Times-Picayune*, August 4, 1958.

<sup>13</sup> See below, pp. 182-183.



ferred to a special reserve fund, the first \$5,000,000 of which goes to the Greater New Orleans Expressway Commission for construction of causeway approach roads, and the remainder, for the purpose of meeting principal and interest payments on the \$46,000,000 causeway bond issue.<sup>14</sup>

### Jefferson Parish

The highway function in Jefferson Parish was highly decentralized under the police jury system which was in effect prior to 1958. Parish engineering work was handled by two private firms, one of which operated on the East Bank and the other, on the West Bank. Although the appointment was made annually by the governing authority on a "personal" basis, the same firms were retained over a long period of time.<sup>15</sup> The services provided by these firms included examination of plans for subdivision streets and drainage, general design and supervision of road-paving projects, advice to the governing authority with respect to specifications on bids for new road construction, and aid to the parish road superintendents.<sup>16</sup> For the most part the two engineers operated independently, although informal cooperation existed from time to time. Each served as engineering consultant for the municipalities and special districts in his portion of the parish, with a presumable reduction in conflicting operations.

Road construction and maintenance were done by two districts—Consolidated Road District A and Road District No. 1. The first included the entire West Bank area and the latter, the East Bank.<sup>17</sup> Both were under the control of the police jury with a road superintendent appointed by it in each district. The activities of the East Bank unit have been described as follows:

In addition to its maintenance operations the unit at the specific requirement of the police jury does construction work on all road types; this operation however is generally limited in scope and usually confined to making tie-ins and other small projects . . . This unit builds and maintains bridges. The organization maintains its equipment through a maintenance section and it also performs allied operations such as the building of barricades and small signs, the construction and repair of sweeper brooms, both metal and fiber, the construction and sharpening of grass cutter blades and other similar operations. The unit operates a small warehouse activity including stores, equipment and maintenance materials . . . This unit is divided into a shops section and a labor pool. There is no permanent assignment to gangs or to areas.<sup>18</sup>

The activities of the West Bank unit were similar. The East Bank road crew numbered approximately fifty employees in 1957 with an annual payroll of over \$175,000. The West Bank crew numbered seventy-five with a payroll in excess of \$225,000 per year.<sup>19</sup>

In August, 1958 the Jefferson Parish council created a parish-wide department of roads and bridges and authorized the parish president to appoint a full-time director. The department is empowered to supervise the construction and maintenance of all highways and bridges, as well as all traffic engineering

<sup>14</sup> For a discussion of this fund, see Ross, *op. cit.*, pp. 67-68. The Mississippi River Bridge Authority and the Greater New Orleans Expressway Commission are discussed later in the present chapter.

<sup>15</sup> The West Bank engineer has served twenty-six years and the East Bank engineer, seven.

<sup>16</sup> See *Fact Book on Jefferson Parish Government*, *op. cit.*, pp. 11-12.

<sup>17</sup> Because the districts were purely administrative in nature, there were no problems arising in connection with the distribution of state highway funds.

<sup>18</sup> *Fact Book on Jefferson Parish Government*, *op. cit.*, p. 11.

<sup>19</sup> *Ibid.*, p. 31.

activities.<sup>20</sup> As a result, it now performs its own engineering functions, but continues to use the consulting parish engineers for major projects. Maintenance services are unified but separate crews and equipment are maintained on the East and West Banks because of the inconvenience of transporting facilities across the river.

There is one aspect of the streets, or highway, function which is not under the department of roads and bridges. This is the marking of streets, which was formerly done by the department of regulatory inspection. The transfer of this department to divisional status within the new department of safety has not altered its control over this activity.

Street planning prior to the creation of a planning commission was somewhat haphazard. One of the commission's first acts in 1958 was to hire a private engineering firm, Palmer and Baker, to conduct a number of specialized studies, including traffic volume and a street inventory.<sup>21</sup> The outgrowth of these studies has been the enactment of a major street plan for the parish.

Funds for road construction and maintenance come from a number of sources in Jefferson Parish. Local sources include ad valorem taxes to finance highway construction bonds, which approximate \$200,000 per year before deductions. The levy was four mills in District A and 3.25 mills in District No. 1. In addition, some street paving is done on a special assessment basis, with the parish also contributing on a front-foot basis. The sources of state funds allotted to the parish are the sales tax portion of the general fund, the state gasoline tax and the royalties on mineral land leases in the parish,<sup>22</sup> as well as the regular state aid for highways.

Road lighting in the unincorporated urbanized portions of the parish was provided before 1958 by road lighting districts. Under the Louisiana constitution police juries are empowered to establish such districts with authority to enter into contracts with electric companies to provide and maintain lights on their streets, roads, highways, and public places.<sup>23</sup> The districts are authorized to levy special maintenance taxes for this purpose. Jefferson Parish had created thirteen of these districts, but only nine were in operation at the time of the reorganization of the parish government.<sup>24</sup> These districts existed solely for taxing purposes, with the police jury serving as the governing authority.

The police jury determined the type of lighting facilities to be placed in each district and then contracted with the Louisiana Power and Light Company for the installation, service and maintenance of the facilities. Revenue was derived primarily from ad valorem taxes which varied in the districts from one-half mill to five mills. The amounts collected in 1957 ranged from approximately \$84,000 in the tenth district to about \$900, in the thirteenth. Small sums have also come from the severance tax, but these totalled only about \$5,500 for all districts in 1957.<sup>25</sup> One of the reorganization ordinances of 1958 assigned

<sup>20</sup> Ordinance No. 3808, Jefferson Parish Council, August 21, 1958.

<sup>21</sup> See Palmer and Baker, *Traffic Volume* (1957) and Palmer and Baker, *Street Inventory* (1957).

<sup>22</sup> *Fact Book on Jefferson Parish Government*, op. cit., p. 29. On mineral royalties see Ross, op. cit., p. 68.

<sup>23</sup> Constitution, Art. XIV, Sec. 14.

<sup>24</sup> A fourteenth district has since that time been created in a new subdivision near Gretna.

<sup>25</sup> *Fact Book on Jefferson Parish Government*, op. cit., pp. 55-60.

the road lighting function to the newly created department of safety.<sup>26</sup> The districts still remain, however, and will probably continue to do so, at least until all bonds are retired.

The four cities of Jefferson Parish handle street construction and maintenance very much like the parish did prior to its reorganization. The council awards contracts, hires an engineer, and the mayor and council supervise the road crew. The two East Bank cities have used the engineering facilities of the East Bank parish engineer and the two West Bank cities, the West Bank parish engineer. Kenner and Harahan have had studies made by planning consultants. Neither Gretna nor Westwego has followed suit as yet, but Gretna is presently engaged in activities which may lead to a major street plan. Street lighting is handled by the cities independently on contract with the Louisiana Power and Light Company.

### St. Bernard Parish

As in most parts of the state, the maintenance of parish roads is the responsibility of the police jury in St. Bernard Parish. All road construction contracts, for example, are its direct responsibility. In addition, road maintenance, street lighting, and the work of the parish engineer are done under its supervision.<sup>27</sup>

For administrative purposes the highway function is divided into road maintenance, road lighting, and engineering. Road construction is done in the urbanized wards of the parish, the remainder coming entirely under the state road system. Supervising the maintenance work is a road superintendent and assistant, whose functions include general maintenance and repairs, cleaning of ditches, placement of culverts, grass cutting, etc. The size of the crew varies but during the summer months may run as high as 95 workers. The funds are derived from a five-mill tax on property within the urbanized portion of the parish. In addition, there is a one-mill parishwide tax for the retirement of bonds used for the purchase of road equipment. Road lighting is handled on a contract basis with the Louisiana Power and Light Company. A two-mill assessment is levied parishwide to defray the costs. The parish engineer, who is an appointee of the police jury, serves as a consultant on highway matters. He is also charged with maintenance of the building code.

Road funds available in St. Bernard Parish exceed \$200,000 annually, of which approximately \$130,000 is derived from local taxes and the remainder from state allocations.

### BRIDGES

As already noted,<sup>28</sup> there are several large bodies of water in the New Orleans area. The most important are Lake Pontchartrain, on the north, and the Mississippi River, which flows through both Orleans and Jefferson parishes. The presence of these and other bodies of water has created major problems for the area, particularly since the advent of automotive transportation. In the early years ferries were used, but in the twentieth century six bridges have been built, four of them, across Lake Pontchartrain or connecting waters,<sup>29</sup> and two, across the Mississippi River. The lake bridges on highways 11 and 90 are integral parts of the state highway system. The three others were either built,

<sup>26</sup> *Ordinance No. 3807*, Jefferson Parish Council, August 21, 1958.

<sup>27</sup> Police jurors periodically inspect the roads following regular police jury meetings.

<sup>28</sup> Chapter I. See also the map at the end of the volume.

<sup>29</sup> The connecting waters are Chef Menteur Pass and the Rigolets.

or are maintained, by separate local agencies created by state legislative or constitutional provisions. The remainder of this chapter will be devoted to a discussion of the Huey P. Long and new Mississippi River bridges and the Lake Pontchartrain Causeway.

### Huey P. Long Bridge

Proposals to construct a bridge across the river at New Orleans date back to the mid-nineteenth century. Because the most important potential users at that time were railroads, it is not surprising that they were among the most vocal proponents of the idea.<sup>30</sup> In 1892, for example, the Southern Pacific Railway proposed construction of a bridge, but apparently economic depression prevented financing of the project.

In 1914 the Public Belt Railroad employed a board of engineers to report on the feasibility of a bridge or tunnel. The board recommended a low level bridge with movable spans, if acceptable to the Army Engineers; if not acceptable, then a single track tunnel. The Engineers refused to issue a permit for a low level span, but announced that one would be issued for a high level span with a clearance of 150 feet. Finally, after numerous revisions and readjustments such a permit was approved.

The constitution of 1921 authorized the construction and operation of a bridge across the Mississippi River in Jefferson Parish by the New Orleans Public Belt Railroad,<sup>31</sup> and also provided for its financing. Construction, which was not begun until 1932, was completed in 1935 at a cost of \$13,000,000. The highway department provided \$7,000,000 in exchange for toll-free highway privileges and the remaining \$6,000,000 was secured from a Public Belt bond issue amortized through bridge rentals paid by the railroads using the bridge.

The bridge crosses the river at a point three and one half miles above New Orleans and is the only east-west railway connection across the Mississippi in the New Orleans area. The steel-trestled bridge consists of a 1.64-mile approach on the east side of the river and 2.04 miles on the west side. The distance across the river itself is .67 miles. Responsibility for maintaining the bridge is divided between the Louisiana Highway Department and the Public Belt Railroad. The former maintains the highway portion, and the latter the railroad portion.<sup>32</sup>

### New Mississippi River Bridge

The Huey P. Long Bridge proved exceedingly useful to both railroad and cross-country highway traffic, but it did not solve traffic flow problems from downtown New Orleans to the West Bank areas of Orleans and Jefferson parishes. These areas were still served exclusively by ferries operated at various points along the river.<sup>33</sup>

<sup>30</sup> Historical information on both Mississippi River bridges was obtained from an interview with the Mississippi River Bridge administrator, Frank X. Armiger, and in part from a speech made by him before the Churchman's Brotherhood of the First Evangelical and Reformed Church of New Orleans, March 19, 1957.

<sup>31</sup> For a discussion of the Public Belt Railroad see Chapter X.

<sup>32</sup> New Orleans Public Belt Railroad, *A General Resume of the Composition, Functions, History and Operation of the New Orleans Civic-Owned and Operated Terminal Railroad*, no paging.

<sup>33</sup> There were five such ferries in operation in 1957.



The Louisiana Department of Highways was the first to secure a permit from the Army Engineers for a second bridge. Another permit for a different location was granted in 1946, based on the recommendation of Robert Moses, the New York City planning expert. In 1951 Jefferson Parish and the city of Gretna entered into an agreement for the preparation of a bridge engineering report but, since this action was taken without the cooperation of New Orleans, the effort was destined to fail before it got under way. Further efforts by the Louisiana Highway Department also proved abortive. Finally, the legislature of 1952 passed an act which made possible the creation of a Mississippi River Bridge Authority for the express purpose of constructing a second bridge across the river.

After several permit rejections by the Army Engineers, one was finally approved and the firm of Modjeski and Masters was selected as consulting engineers to design and supervise construction. Bonds were issued and actual construction began in February, 1955. The bridge was opened to the public in April, 1958.

Under the terms of the 1952 act, the governing authorities of two or more parishes may create bridge or ferry authorities.<sup>34</sup> The procedure requires separate adoption by each parish of resolutions signifying the intention of creating such an authority and setting forth proposed articles of incorporation. Upon completion of the incorporating procedure, the presiding officer of each of the governing authorities involved appoints two members to the board of the authority and the governor appoints three, two of whom must be members of the state highway board. Each membership is for five years.

These authorities are granted powers necessary to the acquisition or construction of toll bridges and ferries. Included are the power to sue and be sued, to adopt and use a corporate seal, to acquire property in all forms through expropriation, to make by-laws for the management and regulation of its affairs, to appoint officers, agents, and employees and prescribe their duties, to fix and collect charges and tolls, to borrow money, to make contracts, to acquire bridge and ferry franchises, etc. The authorities do not have the power to pledge the full faith and credit of the state, or the credit of any parish or city, or to obligate any department of the state or of any municipality.

The Mississippi River Bridge Authority is composed of seven members, four of whom are from New Orleans and three, from Jefferson Parish. All serve without compensation. There is an executive director appointed by the board, and beneath him are five units—the tolls, maintenance, police, accounting, and administrative departments. There are approximately sixty-five employees, all of whom are under state civil service. In addition to the departments, the following services are provided on a contractual basis: engineering, public relations, trustee, legal counsel, and auditing.

The authority has its own police force which handles bridge traffic. It operates four patrol cars each equipped with fire equipment, two-way radio, and first aid materials. All maintenance work is handled by the authority itself in a fully equipped electric and automotive shop. Toll operations are centrally controlled from the administration building with elaborate protections against both error and embezzlement.

The main bridge with its immediate approaches has a total length of about 2.3 miles, and is entirely in Orleans Parish. It has a cantilever arrangement of spans with an anchor arm at the New Orleans end 853 feet long, a central main

<sup>34</sup> *L.R.S.*, Title 48, Secs. 1091-1107.

span of 1,575 feet, and an anchor arm on the Algiers side 591 feet in length. The structure provides 150 feet of vertical clearance for navigation. One of the main piers supporting the cantilever is located about 555 feet out from the New Orleans wharf line and is the only pier located in the water at normal river levels. The second main pier is located on the Algiers side, between the shoreline and the flood protection levee. The bridge roadway is 52 feet wide, providing two 12-foot lanes for traffic in each direction with a four-foot median in the middle.<sup>35</sup>

Bridge authority revenue is derived from two sources: tolls and State Highway Fund No. 2. Toll charges are thirty-five cents per passenger vehicle and the same per axle on other vehicles. The Authority obtained \$750,000 per annum from State Highway Fund No. 2 during the period from 1953-1956. Since that time it has obtained 50 per cent of the remainder of the fund after specified prior obligations. Revenue available from the fund approximated \$700,000 in 1958 and projected estimates more than double that amount by 1983, assuming no new earmarking takes place. The money is designated for payment of interest and amortization of bonded debt.

Cost of planning, obtaining rights of way, and construction of the bridge exceeded \$50,000,000. To finance construction the authority issued \$65,000,000 in revenue bonds, maturing in 1994 and bearing interest at the rate of 3.6 per cent.<sup>36</sup> When all bonds are paid, or a sufficient amount for such payment set aside, tolls or fares may be charged only for annual operating costs. If, however, the state department of highways accepts the bridge as part of its system, then it must be maintained as a free facility.

In addition to the bridge, there are numerous approaches which had to be built on both sides of the river. These were constructed by the highway department under the terms of a contract between it and the bridge authority. The cost of this work has been estimated at \$25,000,000. The city of New Orleans also contributed to the extent of approximately \$6,000,000.<sup>37</sup>

### Greater New Orleans Expressway

A very important new bridge in the New Orleans area is the Greater New Orleans Expressway, better known as the Pontchartrain Causeway, which connects Jefferson and St. Tammany Parishes. Interest in a short route across Lake Pontchartrain from New Orleans to St. Tammany Parish dates back to the nineteenth century.<sup>38</sup> Bernard de Mandeville, founder of the town of Mandeville, financed and maintained a ferry service between Mandeville and the south shore as early as the 1830's. The service remained in use for approximately one hundred years.

It was not until 1948 that a concerted effort was made to secure legislative authorization for the construction of a short route across the lake. With the active support of officials of Jefferson and St. Tammany parishes and despite some opposition from the state highway department, a constitutional amendment was adopted in 1952 which created the Greater New Orleans Expressway Commission.<sup>39</sup>

<sup>35</sup> Mississippi River Bridge Authority, *Official Statement* (October, 1954).

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> Greater New Orleans Expressway Commission, *First Year Report*, pp. 3-4.

<sup>39</sup> Grounds for opposing the administrative setup under the 1952 amendment are to be found in Ross, *op. cit.*, p. 68.

Under the amendment, the two parishes concerned were authorized upon resolution of their respective governing authorities to appoint a board of commissioners, the five members of which would rotate in such a way that each of the parishes would have three members every other year. The commission was empowered to construct, operate and maintain a toll bridge across Lake Pontchartrain. In order to carry out its purposes it was granted the usual powers of a public corporation. The commission was created in 1953,<sup>40</sup> and the bridge opened in 1957.

The causeway provides a 28-foot roadway from a point on the south bank in Jefferson Parish, two miles from New Orleans, to a point 1.25 miles from Mandeville in St. Tammany Parish, a distance of 23.8 miles. The roadway is sufficiently wide to permit three cars abreast in case of emergency. The bridge consists of trestle spans for most of its length, with three raised humps to permit clearance for small ships and two double leaf bascule bridges for passage of larger ones. Cylindrical pilings support the roadway sixteen feet above the water, which is high enough to protect the structure against hurricane winds. A grade separation turn-around is located about nine miles from the south shore to permit U-turns in either direction. Toll plazas and collection booths are at each end of the causeway.<sup>41</sup>

The commission has approximately thirty-two employees, all of whom are under state civil service. It does all its minor maintenance work but major jobs are performed under contract. The bridge is under the jurisdiction of the state police, but assistance is given by the sheriffs of the two parishes.

The causeway was financed by a \$50,000,000 revenue bond issue approved by the voters of Jefferson and St. Tammany parishes, all but \$4,000,000 of which was issued in 1955. Repayment is principally from tolls which are set at \$1.00 for automobiles and slightly more for trucks, depending upon their size. During the six-month period from November, 1957 to April, 1958, collections exceeded \$600,000.<sup>42</sup> A second source of revenue is State Highway Fund No. 2, previously discussed. From this source the commission is entitled to \$350,000 per year after prior allocations for retirement of bonded indebtedness.

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<sup>40</sup> *Constitution*, Art. VI, Sec. 22 (g).

<sup>41</sup> Greater New Orleans Expressway Commission, *First Year Report*, p. 8.

<sup>42</sup> Barton, Pillie, Hughes, and Jones, *Report: Greater New Orleans Expressway Commission* (April, 1958).

## CHAPTER X

### TERMINAL FACILITIES

As a port city, New Orleans is an important terminal point for railroad, steamship and air lines. The present chapter undertakes to survey the public terminal facilities which are available in the area for each of these types of transportation.

#### RAILROAD TERMINALS

##### Public Belt Railroad

There are two publicly owned railroad terminal facilities in New Orleans, one of which is the Public Belt Railroad, which is said to be the only city-owned and operated belt road in the United States. This road had its origin in a franchise granted in 1877 by the city to a private company to build and operate a line which would serve other railroads and private businesses in moving freight to and from the docks and industrial establishments along the river front.<sup>1</sup> Subsequently, switching and track privileges were granted to other railroads.

The idea of a publicly-owned system was first advanced by a Public Belt Railroad Association, which was formed in 1888 and consisted of a group of prominent business men who saw in such a project the solution to the city's waterfront transportation problem. It was said at the time that a publicly operated system "would improve switching facilities, thereby saving time in delivery and costly delays to the merchants. Assuming the obligations of a common carrier, it would transfer cars from the railroads to the wharves, from the wharves to the railroads, from wharves or railroads to public delivery tracks or to industrial plants, and from industrial plants to the railroads or wharves."<sup>2</sup>

Despite considerable support among commercial and political leaders, the opposition was strong enough to block action until 1900, when a mayor and council were elected on a platform calling for a public belt system. Shortly thereafter an ordinance was passed which provided for the creation of a belt railroad board to consist of the mayor, the president of the council, the city treasurer, the commissioner of police and public buildings, the commissioner of public works, the city engineer, and three councilmen elected by the council. The ordinance also appropriated \$40,000 to the board for its use during the next four years. No immediate action was forthcoming, however. In fact, the city council, over the veto of the mayor, subsequently granted to a private railroad company privileges on belt trackage which had been previously constructed by the Illinois Central Railroad.

The impasse was broken in 1904 under pressure from the Cotton Exchange, the Sugar and Rice Exchange, and the Mechanics, Dealers' and Lumbermen's Exchange. An ordinance of that year established a new Public Belt Railroad Commission completely separate from the city administration. The commission was given the power to "acquire, own, locate, construct, operate, maintain and control for public benefit a double track belt system, together with spurs, sidings, equipment, shops, and other facilities needed to build and maintain the railroad." Under the ordinance the city was to appropriate \$100,000 over a ten-

<sup>1</sup> Historical information on the New Orleans Public Belt Railroad was obtained primarily from Josephine R. Echezabel, *The History of the New Orleans Public Belt Railroad* (Unpublished M.A. Thesis, Tulane University, 1926).

<sup>2</sup> *Ibid.*, p. 20.



year period for operations, and \$140,000, primarily from borrowing, was to be used for construction. Plans for the proposed route were to be approved by the dock board.<sup>3</sup>

Dock board approval was given on condition that the system remain under the control of the city. Additional funds were then provided by the council through an increase in the annual appropriation from \$10,000 to \$25,000. Because of limitations on the city's borrowing power, it was necessary to obtain legislative approval for any additional long-term financing. By constitutional amendment the commission was authorized to issue \$2,000,000 in bonds. Actual operation of the railroad was begun in August, 1908.

Transfer from private to public ownership has been characterized by the commission as improving efficiency and reducing cost.

At that time [1905] the waterfront of New Orleans was a literal hodgepodge of railroad tracks. Every railroad that entered the city maintained its own tracks through this area. This cumbersome and inefficient condition caused innumerable delays in movement of cars, multiplicity of switching from line to line and a duplication of service that resulted in almost prohibitive charges.

The unification of waterfront switching service and rail facilities by the Public Belt has greatly reduced terminal charges at the Port of New Orleans and cleared away the inefficiency. The availability of shipside switching service to all on an equal basis has jointly benefited the trunk line railroads, barge lines, steamship lines and the public, and has effectively added to the general attractiveness of shipping via the Port of New Orleans.<sup>4</sup>

The state constitution of 1921 included detailed provisions regarding the Public Belt Railroad. It was authorized to incur long-term bonded indebtedness, and an amendment added in 1928 enabled it to construct and operate a bridge across the Mississippi River. The latter also authorized extension of its operations beyond the boundaries of Orleans Parish.<sup>5</sup> The commission, however, remained a municipal agency, with its members chosen as provided in the ordinance of 1904.

This ordinance provided that the commission should consist of seventeen members—the mayor, ex officio, and sixteen citizen taxpayers, appointed by him, who have resided in the city for a continuous period of five years prior to appointment. Three appointments are required to be made on the recommendation of the New Orleans Board of Trade; two, on the recommendation of the Sugar Exchange; two, on the recommendation of the Cotton Exchange, two on the recommendation of the Progressive Union (now the Chamber of Commerce); and two, on the recommendation of the Mechanics, Dealers' and Lumbermen's Exchange. The remaining five are appointed at the discretion of the mayor, but at least three must be from above, and two from below, Canal Street. The constitution provides that, if any of these organizations cease to exist, their appointments shall be made by the commission itself. Because of the fact that the Mechanics, Dealers' and Lumbermen's Exchange no longer exists, two appointments are at present made by the commission. In no case may individuals associated with any railroad be appointed.

<sup>3</sup> *Board and Commission Reports, op. cit.*, No. 98.

<sup>4</sup> New Orleans Public Belt Railroad, *A General Resume of the Composition, Functions, History and Operation of the City of New Orleans Civic Owned and Operated Terminal Railroad*, no paging.

<sup>5</sup> *Constitution*, Art. XIV, Sec. 28.

Although the mayor is ex officio chairman of the commission, most mayors have played a relatively small role in Public Belt affairs. Since the other members represent the commercial interests of the city, the commission tends to reflect the interests of the city's business, rather than its political leadership, insofar as the two might not coincide. For the most part, decisions of the commission involve business matters which have little direct relationship to political questions. On the other hand, the commission was involved in the politically controversial Union Passenger Terminal program.<sup>6</sup>

Organizationally, the railroad is headed by a president pro tempore, appointed by the commission, who serves in a capacity similar to that of the chairman of the board of directors of a privately operated railroad. There is also a general manager, who is appointed by the commission. Other top-level personnel include the secretary-treasurer, auditor, superintendent of transportation, chief engineer, and heads of the traffic and accounting departments.

Employees of the railroad are not under civil service. Except for supervisory personnel, employment practices are similar to those of private lines. Employees are members of seventeen labor unions, all of which operate under contract. They are also covered by federal railroad retirement benefits.

Functionally, the operations of the road may be divided into two categories: the normal operations of a terminal switching railroad and the operation of the Mississippi River Bridge above New Orleans. Of the two tasks the more important is switching, or the taking of railroad cars brought into New Orleans by line-haul car carriers and delivering them to their destination, and picking up cars and taking them to outbound line-haul railroads. The switching service is divided into three major classes: (1) connection terminal, or switching from industries located on the belt to the line-haul railroads; (2) interterminal, or switching from industries on the belt to industries on connecting lines within the switching limits of New Orleans; and (3) intraterminal, or switching between industries located on the belt.<sup>7</sup> There are interchange connections with all trunkline and terminal railroads, with exclusive service to all public docks and inland waterways. The bridge operations of the road have already been discussed.<sup>8</sup>

In 1955 the public belt system was composed of two main tracks of twenty-four miles each and a third main track of two miles. There were 103 miles of yard tracks and sidings and fifteen public delivery tracks. It operates nineteen locomotives on an around-the-clock schedule, which are maintained in shops equipped to do complete repair and overhauls on both diesel and steam locomotives. In addition, approximately 700 freight cars per month are repaired in its shops. In three recent years for which figures are available, the line handled over a million cars. The total in 1955 was 334,987, of which approximately two-thirds were revenue cars and one-third, non-revenue.<sup>9</sup> The totals in 1956 were 335,989 and in 1957, 352,898.<sup>10</sup>

<sup>6</sup> See below, pp. 188-191.

<sup>7</sup> New Orleans Public Belt Railroad, *op. cit.*

<sup>8</sup> See Chapter IX.

<sup>9</sup> The Public Belt switching rate is based on the movement of loaded cars in one direction and return of the empty, or vice versa. The empty cars are handled free and are therefore called "non-revenue cars."

<sup>10</sup> New Orleans Public Belt Railroad, *Some Facts About the New Orleans Public Belt Railroad* (May, 1955), p. 2.

Financially, the railroad has been self-sustaining. The only city money appropriated to it was the \$487,000 made available during the period from 1905 to 1911 for initial construction purposes. All subsequent expansions and improvements have been paid for out of its own revenues or through the issuance of bonds retired out of subsequent earnings. Like any other railroad, its general accounts are handled in conformity with the rules and regulations of the Interstate Commerce Commission. Under these regulations a monthly audit is made by a nationally known firm of certified public accountants, in addition to frequent audits by the bureau of accounts of the I.C.C.

### Union Passenger Terminal

Prior to 1954, New Orleans had five railroad passenger terminals, serving nine trunk lines. Although there were proposals to build a union station in the latter part of the nineteenth century, the first serious effort grew out of the same struggle that resulted in the creation of the Public Belt Railroad shortly after the turn of the century. Two railroad systems—the Frisco-Rock Island and the Southern—which were joint owners of the New Orleans Terminal Company, wanted to construct a station at Canal and Basin Streets for the use of all railroads. They requested that the city close the river side of Basin Street and agreed to pay \$100,000 in return. The city, under pressure from a number of commercial exchanges, insisted upon \$350,000, and the negotiations failed. The union station plan was abandoned and the railroads built their own stations.<sup>11</sup>

Efforts were again made in the 1920's, but the matter was delayed until the 1930's, when unsatisfactory financial conditions in the railroad industry and an appalling grade crossing problem brought results. Under the sponsorship of the commissioner of utilities, with the support of the mayor, an amendment to the state constitution was approved authorizing the project.

Under this amendment, the city, acting through the Public Belt Railroad Commission, was authorized to construct, operate, and maintain one or more railroad stations. Power was also granted to the city to do everything necessary or desirable to minimize interference by railroad traffic with the use of streets and the proper development of the city. The city was empowered to compel the railroads to use the terminal at a reasonable rental and to relocate and rearrange their tracks when necessary. It was also authorized to issue bonds, up to a maximum of \$15,000,000, for the construction of the terminal, but was prohibited from using any of its tax or other revenues to pay the principal and interest on the bonds. The bonds were to be retired solely out of rentals paid by the railroads using the station. Any union station project might include the elimination of grade crossings, and the city was empowered to contribute funds toward the cost of such a program.<sup>12</sup> The railroads' share of the cost of the grade separation program was to come from the \$15,000,000 terminal bond issue.

An attempt was made in 1940 to repeal the constitutional amendment, but in the referendum vote the state's electorate rejected the proposal. Although engineering plans were drawn, most activity was, because of the war, at a standstill until 1945. At that time, under urging from the Chamber of Commerce, Mayor Maestri created the New Orleans Railroad Terminal Board to negotiate

<sup>11</sup> *The Times-Picayune*, May 1, 1954 (Special UPT edition).

<sup>12</sup> *Constitution*, Art. XIV, Sec. 313.

for the city a contract with the nine trunkline railroads, looking toward construction of a new union station, the unification of all railroad passenger tracks and the elimination of grade crossings where key streets intersected the unified approach tracks.<sup>13</sup>

After numerous conferences with the railroads, public hearings, and further engineering study, the terminal board submitted to the commission council a tentative plan for a single station at Liberty Street and the New Basin Canal. Since the Maestri-Morrison mayoralty campaign was in progress at the time, both candidates were pressed to take a stand. Both endorsed it in principle. The election of Mr. Morrison, therefore, in no way broke the pattern of the negotiations. In fact, the new mayor reappointed the entire membership of the terminal board.

Under the board's proposal the total estimated terminal cost was \$30,867,000. Of this amount \$9,673,000 was for terminal and approach tracks, \$8,022,000 for grade separations on the approach tracks, and \$2,370,000 for the improvement of Saratoga, Calliope and Poydras streets as arteries to the station. Out of this \$20,065,000 total, the railroads were to pay \$10,873,000 from the proposed terminal bonds and 15 per cent of the grade separation cost, and the city was to pay \$9,673,000 for its 85 per cent share of the grade separation cost and for street improvements. Outside of the terminal zone the railroads were to spend jointly an estimated \$1,136,000 for grade separation and \$4,214,000 individually for rearrangement and relocation of trackage and freight terminals. The city's share for grade separation in outlying areas was \$6,440,000. The cost of the entire project was estimated to be \$16,227,000 for the railroads and \$14,640,000 for the city.<sup>14</sup>

Although both major political factions had offered general support to the program during the mayoralty campaign, the Old Regulars subsequently opposed certain aspects of it. State legislation was needed in order to close the state-owned New Basin Canal, which was the terminal site, and the Old Regulars were in a majority on the New Orleans legislative delegation. As a result, they were initially successful in blocking the program. However, terminal supporters, led by the newly elected mayor, were sufficiently powerful to force a compromise, under which the plan would go into effect if signed by December 1, 1947.

Opposition continued, however, centering about the desirability of the city contributing 85 per cent of the cost of the grade separation program. Final clearance was ultimately given by the electorate in an extremely close referendum.<sup>15</sup> The contract was signed five weeks before the December 1 deadline, but there was a further delay of seventeen months due to litigation challenging the constitutionality of the arrangement. Partly because of this delay, the eventual cost of the program greatly exceeded the original estimate. As a result, the railroads agreed to increase their contribution by an amount between three and four million dollars, and the city obtained voter approval for an additional seven million.<sup>16</sup> More than six years elapsed from the date on which the contract

<sup>13</sup> *The Times-Picayune*, May 1, 1954.

<sup>14</sup> *Ibid.* See also *Modern Railroads*, June, 1954, p. 55.

<sup>15</sup> The margin of victory was 13,181 to 12,112. The property vote was \$56,000,000 to \$43,000,000.

<sup>16</sup> The victory margin in this referendum was considerably greater than in the first referendum.



was signed to the date on which the passenger terminal was opened. Most of the grade separation projects were completed earlier, but some have not yet been constructed.<sup>17</sup>

Broad legal authority for the entire project is derived from the constitutional provision cited above. Specific authority is based on the contract between the terminal board and the railroads. Under provisions of the latter, the city agreed that control of the terminal facility should be in the hands of a Union Passenger Terminal Committee, composed principally of representatives of the railroads. It also agreed to sell up to \$15,000,000 in revenue bonds for the purpose of passenger terminal construction; to enter into a contract with the state for the purchase of land and acquisition of servitudes on parts of the New Basin Canal; to construct certain grade separations with 15 per cent of the cost defrayed from the revenue bonds and the remainder at city expense; to acquire and exchange certain pieces of property; and to grant to the carriers full, joint and equal use of the Union Passenger Terminal.<sup>18</sup>

Control of the project was divided between the Union Passenger Terminal Committee, which was dominated by the railroads, and the Railroad Terminal Board, which was publicly controlled. The terminal committee was responsible for construction and operation of the terminal, and the Railroad Terminal Board was primarily responsible for the grade separation program. The former was to be a permanent body, while the latter was to be temporary.

The Railroad Terminal Board consists of the mayor and six others appointed by him with the consent of the council. It is empowered to supervise and control the acquisition, construction, maintenance, and operation of grade separation projects undertaken by the city and to represent the city on the terminal committee.<sup>19</sup> In the period of brisk activity during the early years of the program, there was a fairly large staff. By 1958, with most of the work completed, the full-time staff consisted of one secretary. One other person, serving on a part-time basis, held the combined post of special counsel and administrator. Other functions were performed either on a contractual basis or by other city agencies.

At the time of the opening of the terminal in 1954 a large part of the grade separation work had been completed. Consolidation had reduced the original number of 144 projects to 27, eight of which were on the terminal approaches, sixteen, on the tracks of the Southern Railway, two on the Louisville and Nashville, and one, on the Public Belt. By the summer of 1958 more than twenty projects had been completed. The remainder were a matter of controversy between the terminal board and the railroads. The former maintained that seven additional vehicular overpasses and underpasses and five pedestrian crossings remained to be completed. The railroads, on the other hand, maintained that these were optional rather than fundamental to the program, and therefore ought to be financed entirely under the city's regular street program. The issue is whether 85 per cent or 100 per cent of the cost is to be borne by the city. The total cost of the projects in controversy is approximately \$9,000,000.

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<sup>17</sup> Determination of completion of the grade separation program is a matter of controversy between the railroads and the Railroad Terminal Board. The latter regards the uncompleted projects as part of the program.

<sup>18</sup> *Agreement Providing for the Construction and Use of a Union Passenger Terminal in the City of New Orleans and the Elimination of Various Grade Crossings and the Abandonment, Rearrangement and Relocation of Railroad Facilities* (1947).

<sup>19</sup> *Board and Commission Reports, op. cit.*, No. 85.

As the agent of the city in the grade separation program the Railroad Terminal Board has served more as a coordinating body than as an operating agency. As a result, at no stage in the development of the project has it acted independently. This has been true in planning, for example, where the planning commission, the streets department, and state agencies have been primarily involved. It has also been true in matters where decisions did not fundamentally alter the program, as, for example, in the acquisition of rights of way. Here the terminal board handled all the paper work and made recommendations, but the final decisions were by the city council. Although the board had its own engineering and legal staff, its activities were closely tied to the streets department and the city attorney's office.

The Union Passenger Terminal plant is municipally owned but operated under a fifty-year contract by the Union Passenger Terminal Committee. The committee consists of fifteen members, three of whom are appointed by the Railroad Terminal Board,<sup>20</sup> three, by the Public Belt Railroad, and the remaining nine, by the carriers. Carrier voting strength is determined by the number of passenger cars using the station. Although outvoted, city and Public Belt representatives are entitled to take an active part in committee affairs.<sup>21</sup>

Under the terms of the 1957 contract the committee is responsible for selecting, appointing and fixing the salary of a full-time terminal manager. The manager is required to supervise impartially and to direct all terminal operations. He also has the power to appoint, discipline and discharge all personnel. In personnel matters he is authorized to deal with craft unions.

Because of the need for continued rail service during construction of the terminal, the changeover was a multi-stage process, taking almost five years from its beginning in April, 1949. It began with the construction of temporary train sheds and tracks north of the terminal site while the site was being cleared. The next step was the construction of a new express building in order to be able to demolish the old one. Similar procedures were followed for warehouses, engine houses, diesel service facilities, coach yard platforms and tracks, approach tracks and, finally, the terminal building. By the spring of 1954 the new Union Passenger Terminal was in full operation.<sup>22</sup>

The administration of the terminal facilities is in the hands of railroad men both in theory and practice. Both the manager and assistant manager served with the Illinois Central Railroad prior to appointment. Counsel for the committee are attorneys associated with law firms representing the various railroads.

The terminal facilities consist of a station building for receipt and discharge of passengers and the usual facilities associated with such stations. There are office facilities, baggage, mail and express buildings, station tracks, coach and engine facilities, coach yard, service buildings, engine houses, wash racks, inspection pits, fuel and water supply facilities, sand house, store houses, power houses, tool houses, communication facilities, and approach tracks connecting with trunk line tracks.<sup>23</sup>

<sup>20</sup> Upon completion of the grade separation program and the termination of the life of the Railroad Terminal Board, city representation on the UPT committee will be controlled by the city governing authority.

<sup>21</sup> Letter from C. J. Wallace, manager, Union Passenger Terminal, July 22, 1958

<sup>22</sup> *The Times-Picayune*, May 1, 1954.

<sup>23</sup> *Ibid.*

Payments for use of the facilities are through rentals with the bonds amortized over a fifty-year period. Rentals are set according to the number of engines and cars moving into the terminal. In 1954, for example, the Illinois Central paid 30 per cent; Louisville and Nashville, 27 per cent; Southern Pacific, 18 per cent; Southern, 9 per cent; Texas and Pacific, 7 per cent; Kansas City Southern, 5 per cent; Missouri Pacific, 2 per cent; and Gulf, Mobile and Ohio, 2 per cent. The terminal provides the railroads with red cap service, ticket sales, a restaurant, waiting and lounge facilities, baggage checking service, and facilities for the loading and unloading of mail, baggage and express. It also services and repairs all cars and locomotives, provides a switching service, and maintains all tracks and other facilities. The total operation requires more than 600 employees. Although these operations are regarded as a non-governmental service to the railroads and the public, the city is interested because it owns the terminal and operation will revert to it at the end of the fifty-year period unless at the option of the carriers a new contract is negotiated. The municipal interest is protected not only by the presence of public members on the board but also because the Public Belt Railroad has the authority under the 1947 contract to set up and enforce maintenance standards.

#### WATER TERMINAL FACILITIES

Water terminal facilities in the New Orleans area include the pilot service provided for ocean-going vessels entering and leaving the port and the facilities established for the operation of the port itself.

##### Ship Pilots

Pilotage on the Mississippi River is not a public function, but it is publicly controlled because of the dangers involved. This control is exercised by three state boards—the Board of Examiners of Bar Pilots for the Port of New Orleans, the Board of River Port Pilot Commissioners, and the Board of New Orleans and Baton Rouge Steamship Pilot Commissioners for the Mississippi River. The first-named board licenses pilots who handle ships from the Gulf of Mexico to Pilot House below the port of New Orleans; the second, those who are in charge from Pilot House to New Orleans; and the third, those in charge from New Orleans to Baton Rouge. The members of the three boards are appointed by the governor, with the approval of the Senate, from the membership of the respective pilot associations. The duties of the boards include the giving of examinations and the granting and revocation of licenses under conditions spelled out by state law. Because of the guild nature of ship piloting, examinations are held only when additional pilots are needed.<sup>24</sup> At the present time there are approximately forty-two licensed bar pilots, sixty-three river pilots, and eighteen New Orleans to Baton Rouge steamship pilots.

##### Dock Board

Operation of the port facilities at New Orleans is the responsibility of the Board of Commissioners of the Port of New Orleans, a state agency created in 1896, which is commonly known as the dock board. Prior to 1896, control of the river front was in the hands of the city government. It was customary for the city to lease the waterfront to private firms on the basis of bids by the party "agreeing to expend, under orders of the council, the greatest sum of money

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<sup>24</sup> *Board and Commission Reports, op. cit.*, Nos. 27, 38, 41.



during the first two years in furnishing additional facilities for commerce along the river front." The successful bidder was required to build wharves, make improvements, furnish police protection, light the wharves, and pay the salaries of all persons employed in the operation of the port.<sup>25</sup>

By 1895 considerable dissatisfaction had developed with the manner in which the port facilities were being managed. As one writer has put it:

Just five years before the turn of the century the public wharves of the city presented a different picture than those of today. The New Orleans river front was a hodge-podge of wharves—some open to the elements, some closed and none in good condition . . . The port presented no alluring picture to shipping interests wishing to locate there, and many of the more practical-minded citizens were not loath to express their opinions. Business was being driven away from the city and the man in the street knew this keenly.<sup>26</sup>

At that time the Louisiana Construction and Improvement Company held the lease from the city. Its annual expenditure for improvements approximated \$35,000, but there was a strong body of opinion that it could extend its facilities considerably and still realize a handsome profit. Transportation and commercial interests generally regarded the company's fees as exorbitant and believed that they were responsible for the decline in port business.<sup>27</sup>

As a result, the Board of Trade set up a committee to investigate the wharfage charges. Its findings suggested that the city's practice of leasing wharves to private firms was driving trade away from New Orleans. Poor management was blamed for excessive delays and high charges. It therefore recommended that the city buy up the titles and leases. The city took immediate action but a change of administration in 1896 brought a repeal of the action. This reversal at city hall led the "reformers" to take their demands to the state legislature. Here they were successful, due to a coalition of city legislators and rural members hostile to the faction controlling the city government.<sup>28</sup> The resulting act, as already noted, created a state agency, the Board of Commissioners of the Port of New Orleans, which has been the governing authority for the port since that time.

From the outset the board was involved in state and local politics. An effort to "depoliticize" it was made in 1921 by making it a constitutional agency, but Huey Long had little difficulty in bringing it under the control of his patronage machine. The reform administration of Governor Jones proposed a revision of the constitutional provisions, and they were approved by the voters in 1940. At the present time the board consists of five qualified voters residing in the parishes in which the port area is located. At least one member is required to reside and maintain his principal place of business on the west side of the Mississippi River, and all members must be experienced in the commerce or industry of the port area. Appointments are made by the governor for staggered five-year terms on nomination of the Chamber of Commerce of the New Orleans Area, the New Orleans Board of Trade, the New Orleans Clearing House Association, the New Orleans Cotton Exchange, the New Orleans Steamship

<sup>25</sup> Historical information obtained primarily from Raymond J. Martinez, *The Story of the River Front at New Orleans* (New Orleans, 1948).

<sup>26</sup> John B. Ferran, "State Ownership and the Port of New Orleans," *State Government*, September, 1947, p. 245.

<sup>27</sup> In spite of New Orleans' geographical advantage, apparently many shipping interests were beginning to send their cargoes via routes which were cheaper and quicker.

<sup>28</sup> Martinez, *op. cit.*, pp. 35-42.



Association, the West Bank Council of the Chamber of Commerce of the New Orleans Area, and International House. The procedure is for each of these organizations to nominate two persons for each vacancy, from which list the presidents or recognized executive heads of the organization sitting as a committee recommend three to the governor, one of whom must be appointed.<sup>29</sup>

Despite its tribulations, board activities expanded almost from the agency's inception. In 1904 the first bond issue of \$2,000,000 was approved and by 1910 wooden piers had been replaced by concrete wharves and cargoes were protected by steel sheds. Later additions include the grain elevator, completed in 1916; the public commodity warehouse, in 1919; and the coal tippie and commodity handling plant, in 1921. More recent additions include banana conveyers, coffee terminals, closed sheds, locomotive cranes for unloading barges, dredges, floating derricks, electric trucks, jacks, a vegetable oil pumping plant, and modern fire protection equipment which includes a fire sprinkler system.<sup>30</sup>

The most important development was the building of the Inner-Harbor Navigation Canal to provide more water frontage. By legislative act of 1914, the New Orleans commission council was authorized to select a site and the dock board to build the canal. After four years of inactivity, wartime pressures brought matters to a head and construction was begun in March, 1918. The canal was formerly opened in May, 1923.<sup>31</sup> Other recent additions among port services include the creation of Foreign Trade Zone No. 2 and a proposed new Tidewater Ship Channel, which is still in the planning stage.<sup>32</sup>

The constitution of Louisiana, in addition to creating the dock board and prescribing its membership, spells out board powers, grants it authority to borrow for short range and capital improvement purposes, permits it to establish its own administrative structure, authorizes it to raise revenue from service charges, fees, etc., and grants to it the power of expropriation.<sup>33</sup>

The territorial limits of the dock board's authority are not specified either by the constitution or by statute. The board itself has interpreted its jurisdiction to include the area established by the federal government for customs collection purposes. Since this area includes territory beyond the limits of Orleans Parish, the board has on occasion come into conflict with neighboring parishes interested in creating separate port facilities or at least not desirous of permitting territory within their boundaries to be under "alien" jurisdiction.

Although the dock board serves the New Orleans area it is in no way an agency of the city or of adjacent parishes. Since its membership is limited to residents of the port area, however, there is a considerable overtone of localism but in the shadows there is a far broader clientele which influences dock board policy. The primary concern of the agency is, of course, to promote the commerce and industry of the New Orleans area and of Louisiana, but the achievement of this purpose depends upon support from the entire Mississippi Valley area. Therefore, despite the fact that the board operates within the New Orleans area and is a creature of the state, its policies are in part dictated by the demands of actual and potential shippers in the vast midcontinent area, as well as by overseas shippers of merchandise destined for this area.

<sup>29</sup> *Constitution*, Art. VI, Sec. 17.

<sup>30</sup> Ferran, *op. cit.*, p. 246.

<sup>31</sup> Martinez, *op. cit.*, p. 54.

<sup>32</sup> See below, p. 198.

<sup>33</sup> *Constitution*, Art. VI, Sec. 16-17, and *L.R.S.*, Title 34, Secs. 1-4, 21-27, 41-44, and Title 54, Sec. 321.

The officers of the board, which are selected by it, are a president, a vice president, a secretary and a treasurer. There is also a finance committee, consisting of three members chosen by the president, which has the power to borrow, invest and expend funds of the board in such manner as the board may direct. The board itself meets twice monthly except during the summer months when it meets only once a month. The top administrative officers are the director of the port, the general manager, and the general counsel. The director is in charge of the overall management and direction of port affairs and is directly responsible to the board for all managerial, financial, engineering, commercial development, and public relations functions. The general manager is in charge of such operations as may be designated by the board or the director. In the absence or disability of the latter, he serves as acting director. The general counsel is the legal advisor of the board. There are approximately 1000 employees, all of whom are under state civil service.

At present the dock board is in the midst of a substantial administrative reorganization so that it is not possible to draw firm lines of administrative responsibility. Nevertheless, approximately nine departmental divisions are discernible. Included among these are operations, the director of which is in charge of the public commodity warehouse, the docks department, the foreign trade zone, and the harbor police; the grain elevator; trade development, which embraces publicity, traffic management, statistics and field operations; law; engineering; industrial development; safety; personnel; and control, which includes all phases of financial management.

The public commodity warehouse has been in operation for about forty years. At present, its property, which covers an area of approximately fifty acres, includes five large concrete buildings equipped with mechanical devices capable of handling almost any commodity, plus a cotton compress building with 100,000 square feet of cotton storage space. The five buildings are divided into 176 storage cubes each with 3,000 square feet of floor space. All buildings are accessible to rail, truck, and water transportation. Warehouse space is leased to warehousemen and others for the storage of import and export commodities. The post office leases 100,000 square feet of space for the operation of its foreign mail division.<sup>34</sup>

The docks department is responsible for the administration and security of all public wharves on the riverfront and the Inner-Harbor Navigation Canal.<sup>35</sup> It has jurisdiction over 77 berths, of which 63 are cargo berths; five, repair berths; three, grain berths; one, grain sacking berth; two, banana discharge berths; two, open wharf berths, and the open wharf berth at Canal Street for the steamer President. The wharves are assigned to ship owners on a preferential system. Only about 5 per cent are unassigned and are used to handle the overflow from preferentially assigned wharves, as well as to serve smaller steamship companies whose infrequent sailings do not necessitate a preferential assignment.<sup>36</sup>

The Port of New Orleans contains one of the four free foreign trade zones in the United States. Authorized by federal statute in 1947 and operated by the dock board, the free zone permits foreign cargoes to be unloaded without paying entry fees, customs duties, or excise taxes and without imposition of

<sup>34</sup> Board of Commissioners of the Port of New Orleans, *Ship via New Orleans and Save*, unpagcd. See also the annual reports of the board.

<sup>35</sup> Private wharves provide facilities for twenty-five vessels in the New Orleans area.

<sup>36</sup> *Ship via New Orleans and Save*, *op. cit.*

import quota restrictions. Cargoes may be stored indefinitely, processed, or reshipped to another country. No customs duties are paid until the cargo moves from the zone into the United States proper. If a ship does not dock at the zone, the cargo can be unloaded at any other wharf in the harbor and brought to the zone via bonded carriers without technically entering through customs. The advantage to foreign shippers is that goods may be held there duty free until markets are found for them in the United States or elsewhere.

The free zone has facilities that give it a wide range of usefulness. These include fireproof buildings and modern equipment for handling cargo, which permit low charges and insurance rates. Two concrete warehouses provide 5,000,000 cubic feet of covered storage space, in addition to the paved open space of about twenty-five acres. Other facilities are a lumber kiln, which can dry 100,000 board feet of lumber at a time; a vacuum fumigation plant for treating commodities requiring fumigation as a condition of entry; a reconditioning and processing plant for seeds, spices, bean roots, etc., which is equipped to clean, bolt, polish, grind, separate and rebag seeds and spices; a storage and bottling service for wines and liquors so that they can be imported in bulk, bottled and sold on the American market or reshipped. Storage charges in the zone are comparable to ordinary warehouse charges and are competitive with similar charges in other ports.<sup>37</sup>

The New Orleans grain elevator, which is one of the busiest in the United States, is actually two connected elevators with a combined capacity of over five million bushels. It is used only for grain which is to be exported, and so a shipper must secure a permit to send in grain for each ship. The grain comes to New Orleans from distances up to 2,000 miles by rail, truck, and barge. Upon arrival it is inspected and graded to meet United States government standards. The elevator also performs a number of other services, including treatment for weevils; screening; cooling; cleaning; and drying of all grains, including soybeans.<sup>38</sup>

The industrial promotion department, which is relatively small, has as its principal function the handling of leases along the Industrial Canal. The canal itself, which is 5.5 miles long, joins the Mississippi River and Lake Pontchartrain, with a portion serving as a link in the intracoastal waterway system, which stretches from Florida to Texas. Its banks are lined with mills, factories, and deep water terminals. The entire canal is dredged to a 30-foot depth with an average width of 400 feet. Near the river end there is a toll free lock, operated by the Army Engineers, which enables vessels to move between the river and the lake or along the intracoastal waterway.<sup>39</sup>

The engineering department has two major responsibilities: to design and supervise construction of new and rehabilitated facilities essential to the growth of the port, and to direct and supervise the maintenance of existing wharves and other public port facilities. The department of safety, established in 1956, is responsible for the design, development and administration of the port safety program to insure a safe working environment for port employees, to prevent or minimize property damage, to reduce the cost of operation attributable to

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<sup>37</sup> New York Herald Tribune, *Ports of Louisiana*, February, 1957.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ship via New Orleans and Save*, *op. cit.*



accidents, and to provide a stimulus for accident prevention on the part of port users. The program of the department includes research, training, inspection, investigation, and safety engineering.<sup>40</sup>

Managerial services are performed by controls, law, and personnel departments. The first of these is headed by a controller and divided into accounting, tabulating, internal audit, receipts and disbursements, services, central purchasing, and claims divisions. Its functions cover the gamut of financial management. The functions of the law and personnel departments are self-explanatory.

The dock board has obtained revenue from three major sources. The largest source is rents and charges. A second source is the state tax on gasoline, from which it has received since 1928 nine-twentieths of one cent. A constitutional amendment adopted in 1952, however, altered this arrangement. At present and until existing indebtedness is retired the dock board receives the gasoline tax allocation minus certain payments by the levee board and the Public Belt Railroad. These amount to \$925,000 and \$50,000 respectively, and are paid for services rendered to them by the dock board in connection with the Industrial Canal. The third revenue source is a \$500,000 lump sum appropriation from the state to be used to retire a \$10,000,000 bond issue authorized in October, 1955. Existing public policy as established by the dock board and state action seems to require self-sufficiency in matters of operating costs, but partial state support for capital improvements. This question is likely to be reopened again in the near future when dock board officials attempt to find funds for additional capital outlay.

The dock board had no budget system until 1957. The procedure introduced at that time requires the controls department to send out budget forms on March 1 to be returned by approximately May 15. A preliminary review and revision by the controller follows, with a final review by the port director. The proposals are then submitted to the board for approval. Because of the newness of this procedure, it is extremely difficult to comment on its effectiveness. However, the fact that the whole procedure takes place "within the family" makes the likelihood of public conflict remote. The operating budget for the dock board in recent years has approximated \$7,000,000.

Dock board authority to incur bonded indebtedness is severely limited by the constitution of Louisiana.<sup>41</sup> The total indebtedness, exclusive of the bonds specially authorized for construction of the Inner-Harbor Canal, cannot exceed \$95,000,000. Within this limit, there are various other restrictions on both long-term borrowing and temporary loans. In general, all loans must be approved by the governor and state auditor or supervisor of public accounts, except that the board can borrow in anticipation of the collection of charges which have already been earned.

Control of dock board policy is obviously divided between the state and the city. The board is a state agency and as such subject to legislative control within the framework of constitutional provisions. At the same time, however, the commercial interests of the city control the membership of the board and through it many of the board's operating policies. There is some controversy regarding the territorial jurisdiction of the board, but for the most part its relations with other governmental units are cordial. Its relations with other

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<sup>40</sup> Board of Commissioners of the Port of New Orleans, *Sixtieth Annual Report*, p. 12.

<sup>41</sup> *Constitution*, Art. VI, Sec. 16.



state and city agencies are also friendly, as, for example, with the state Department of Commerce and Industry, in promoting the state, and with officials of the city of New Orleans, in entertaining distinguished visitors.

Some of its relationships with other agencies, however, are extremely complex. There are numerous dealings with the levee board regarding installations along the levees. The dock board actually maintains the levee on the Industrial Canal by contract with the levee board, for which the latter pays the dock board \$925,000 annually, which is used for servicing canal bonds. Nevertheless, an area of doubt pervades the continuation of this contract on final retirement of the bonds. There is a similar contract with the Public Belt Railroad regarding the right of access to industries on the Industrial Canal, under which the railroad pays the board \$50,000 annually. There are cooperative arrangements with the Sewerage and Water Board regarding the extension of its facilities to the dock area. Conflicts involving the planning of streets have been handled within the city planning commission's advisory committee, on which the board has representation. The location of wharves in Gretna has required the consent of the city authorities. Many of these relationships have grown out of conflicts which have been settled by negotiation rather than by court action.

The port of New Orleans has been a major port throughout its history, and has been the second port of the United States for most of the period since World War II. In spite of increased competition from other ports and the threatened loss of trade through the St. Lawrence Seaway, the dock board continues to promote capital improvements as a means of holding New Orleans' share of the market. The most dramatic project is the new Tidewater Channel, which, when completed, will stretch across Orleans and St. Bernard parishes to the Gulf of Mexico. It will be over seventy-five miles in length and will provide a route for marine traffic into New Orleans which is forty miles shorter than the present Mississippi River route. When completed, it will permit the port of New Orleans to expand its facilities to accommodate increasing water traffic and will open approximately 14,000 acres in Orleans and St. Bernard parishes to industrial development.<sup>42</sup>

#### Jefferson Industrial Seaway

Under authority of a state law permitting subdivisions of the state to undertake joint projects, the Jefferson Parish police jury, in May, 1956, approved an agreement between the parish and the city of Westwego for the construction of a seaway, or deep-water navigation canal, from the Mississippi River to the Gulf of Mexico. Under the proposal the canal would accommodate ocean-going vessels and would have dock and wharf facilities.

The agreement creates an eight-member board, four appointed by the parish and four, by the city of Westwego, for seven-year terms. The commission is a corporation which is empowered to plan, construct, operate, maintain and manage a deep water canal and its appurtenances. It may improve and extend the seaway in such manner as may be required for its efficient operation.<sup>43</sup> The commission has engaged in some preliminary activities, including preparation of plans and negotiation with the federal government for assistance in constructing the seaway. Under the proposed plan the canal would be financed by a revenue bond issue to be paid for by canal users. Despite the vigor with which

<sup>42</sup> New York Herald Tribune, *Port of New Orleans*, May, 1956.

<sup>43</sup> *Fact Book on Jefferson Parish Government*, op. cit. p. 165.

the proposal has been advocated in certain quarters, there is little tangible evidence that the seaway will get beyond the drawing board stage in the foreseeable future.

#### AIR TERMINALS

The New Orleans area is serviced by three airport terminal facilities. One of them is operated by the city; one, by a state agency; and the third, by the federal government.

##### Moisant International Airport

State legislation enacted in the 1930's permits political subdivisions of the state to establish, construct, operate and maintain airports either within or outside their geographical limits. On the basis of this legislation, the New Orleans commission council in 1940 authorized the mayor to contact the Civil Aeronautics Authority in order to obtain federal assistance in constructing a municipal airport. The CAA's reaction was affirmative because at the time New Orleans had inadequate air terminal facilities to meet the existing national military emergency. In August, 1941 the commission council authorized the mayor to purchase 673 acres located in the city of Kenner at a rate not to exceed \$50 per acre. An agreement was entered into with the federal government whereby it agreed initially to spend \$780,000 on the airport in exchange for permission to use the terminal for military purposes at a nominal rental fee for the duration of the emergency.<sup>44</sup>

In 1943 the New Orleans Aviation Board was established as the governing body for the new Moisant International Airport, and a \$5,000,000 loan was approved by the voters for construction of terminal facilities. Actual operations began in the early part of 1946. Its present physical plant, which cost approximately \$18,000,000, has only recently reached the point of completion.

The governing authority of the airport is the New Orleans Aviation Board, composed of five members appointed by the mayor with council approval for staggered terms of five years. It is empowered to administer, operate and maintain all municipal airports and aviation facilities and to represent the city in all technical matters pertaining to aeronautics in consultation with state, national or international aeronautics officers or agencies. The board is further empowered to appoint an aviation director, who serves as executive officer of the board.

The legal powers of the board provide considerable operational autonomy, but substantial control remains with the city council. The board, for example, can determine the number and compensation of its employees, but this is subject to council approval. It can adopt its own rules and regulations without supervision. Its operating funds go into a revolving fund, granting it sufficient freedom to operate like a business enterprise. However, the budget must be directed through normal channels, providing the mayor and council a check on operations.

The board is required to meet quarterly, but because of constant changes in the organization and the rapid development of its physical plant, meetings have been held with greater frequency. Among its principal duties have been the letting of contracts, the acquisition of land, and the formulation of leases and agreements with concessionaires. The executive officer of the board is the director, who is appointed by it and serves at its pleasure. There is no assistant

<sup>44</sup> *Board and Commission Reports, op. cit.*, No. 36.

director, although a study recently released by Leigh Fischer and Associates strongly recommends the creation of such a position.<sup>45</sup> At present the duties of assistant director are being performed by an airport operations superintendent. He is responsible for directing all ground aviation activities and providing for the safe and efficient operation of all airport facilities. He is also responsible for the development and enforcement of control systems required in landing, parking, loading, and unloading planes and the safe and efficient operation of all other facilities. He is also in charge of security measures, crash, rescue and fire services and liaison with all operating airlines and federal agencies located at the airport.

The position of fire marshal-safety director was created by the board in 1956 to supervise the activities of the airport fire department. The safety director makes continuous inspections of the airfield and buildings, serves as technical advisor and instructor in all phases of airport fire protection, and is responsible for all of the physical fire equipment. He also draws up specifications for the purchase of fire protection and safety equipment.

The airport terminal supervisor is in charge of the terminal building and its maintenance. He is responsible for passenger services, including information, baggage handling, and ground transportation, and is in charge of ramp supervisors and their personnel. He acts as liaison with the airlines and other tenants, and handles passenger complaints. He also serves as night representative of the operations superintendent. Under him is a carpenter foreman, who supervises the work of the maintenance crew. The total number of employees at the airport is approximately 130, most of whom are under city civil service.

Firefighting and fire prevention work are not under the aviation board. They are directed by the New Orleans fire department which has a crew on permanent assignment to the airport. Police protection is provided by the Kenner police department, but is paid for by the aviation board.

Most airport operations are carried on under lease. There are three categories of leaseholders—the airlines, the concessionaries, and United States government agencies. At the present time eleven airlines, international and domestic, use the airport. Private concessionaries operate the restaurant, coffee bar, newsstand, gift shop, barber shop, insurance booth, auto rental service, and telegraph office. The United States government agencies include the Weather Bureau, Post Office Department, Civil Aeronautics Administration, Customs Service, Public Health Service, Naturalization and Immigration Service, and Department of Agriculture. Leases vary within each of these categories of leaseholders, but generally they are uniform in terms of service provided by the lessor.<sup>46</sup> The original agreements between the aviation board and the air carriers recognized the possibility of financial loss by the board, and the carriers undertook to underwrite this loss. More recently, the heavy passenger load has made concession operations sufficiently desirable so that a rigid competitive bidding system has been introduced. As a result, the financial burden has been shifted from the airlines to the concessionaries.

As already noted, Moisant Airport is located in Kenner, which is in Jefferson Parish. This location has created problems of an intergovernmental nature which are not easily solved. As seen by Kenner officials, the airport not only

<sup>45</sup> Leigh Fisher and Associates, *New Orleans, Louisiana: Recommended Personnel Reorganization and Appraisal of Lease Policy for the New Orleans Aviation Board*, March, 1958, p. 12.

<sup>46</sup> *Ibid.*, pp. 51-53.



pays no local property taxes but represents a distinct nuisance in terms of noise and potential accident danger. As seen by the city of New Orleans and the aviation board, the airport is the largest single employer of Kenner residents, making its presence in the community a definite asset. Since the airport represents a tremendous investment by the city which is available to residents of the entire area, the city also feels that the terminal should be operated by it without interference on the part of other governments in the area.

Kenner officials successfully supported legislation in 1948 which granted police jurisdiction to the parish or city in which real property is owned by another municipality or parish. Relations, however, have continued to be strained, and Kenner and Jefferson Parish authorities have sought to gain further control, but without success. In 1958 a bill was proposed by the Jefferson Parish delegation requiring that in any case in which a city or parish exercises authority beyond its boundaries it must do so jointly with the parish in which such authority is exercised. The bill was never reported out of committee, but New Orleans officials were sufficiently aroused by this threat to draw up a memorandum in opposition to the bill. Other controversies between Kenner and New Orleans over taxicab service, expropriation of land, and related matters have also caused difficulties.

### New Orleans Airport

The second airport in the area, known as the New Orleans Airport, is owned and operated by the Board of Levee Commissioners of Orleans Parish. It is located in the city on a promontory projecting into Lake Pontchartrain. Originally it served as the air carrier station for the New Orleans area, but with the opening of Moisant International Airport its function has shifted to that of a feeder class facility. In this capacity it is now the home airport for 90 per cent of the locally owned and locally based aircraft.

Authority for the airport is a state constitutional provision authorizing the levee board to construct an airport on the lakefront. Although to be retained under levee board control for financial purposes, the airport was to be administered by a seven-member commission, three appointed by the levee board, three, by the mayor of New Orleans and one, by the governor of Louisiana.<sup>47</sup> Although this constitutional provision called for split control, actually the airport commission has not functioned since 1950. The airport is administered by a director, who is responsible directly to the levee board. In addition to the director, there is an assistant director and a full technical and maintenance staff. Law enforcement is handled by levee board police.

The airport provides general aviation service to private plane operators, the Louisiana National Guard, the state Wildlife and Fisheries Commission, as well as several other agencies. Its facilities are complete, including a control tower, weather bureau, communications station, etc. The airport is conveniently located and has a restaurant and ample parking facilities.<sup>48</sup> It

<sup>47</sup> *Constitution*, Art. XVI, Sec. 7 (b).

<sup>48</sup> Leigh Fisher and Associates, *Air Trade, Terminal Requirements and Airport Master Planning Report* (1954), pp. 48-50.



houses well over two hundred planes. Its revenues are obtained from rental fees, including use of hangars and storage facilities, and from concessions, all of which are granted to a single operator. These are usually not adequate, however, to support its operations.

#### Alvin Callendar Airport

A third airport, the Alvin Callendar field, was originally under the jurisdiction of the New Orleans Aviation Board. In a one-dollar transaction, however, it was transferred in 1956 to the Navy Department to serve as a joint air reserve training center. The airport, which is in Plaquemines Parish, originally provided some commercial air service but presently is used only for military operations.

## CHAPTER XI

### BUSINESS REGULATION AND PROMOTION

Governmental policy and the economic order are so closely intertwined that there is probably no public activity at any level of government in the United States that does not in some way affect the economic life of the society. The present chapter is concerned with those activities of governments in the New Orleans area, not elsewhere discussed, which relate most directly to the regulation and promotion of private business enterprise. These include regulation of public utilities, licensing of occupations, promotion of trade and industrial development, and provision of market facilities.

#### PUBLIC UTILITY REGULATION

##### New Orleans

Under the constitution of Louisiana public utility regulation is, in general, the responsibility of the Louisiana Public Service Commission, regardless of whether the service of the utility is state-wide or local in character. Local governments which had regulatory power at the time of the adoption of the constitution, however, were permitted to retain this power unless surrendered as a result of a popular vote.<sup>1</sup> New Orleans has continued to regulate public utilities within its borders, but no other government units in the area have this authority. Services regulated by the city are transit, ferries, taxicab and other vehicles for hire, and gas and electricity. Apart from general public utility regulation, all the parishes have authority to issue franchises and to grant street privileges to private users.

In New Orleans transit service, gas and electricity are supplied for the most part by a single company, New Orleans Public Service, Incorporated, popularly known as NOPSI. On the West Bank, however, transit facilities are operated by the West Side Transit Company, and electricity is furnished by the Louisiana Power and Light Company. Prior to 1922, when NOPSI was formed, these services were supplied by numerous companies, few of which survived for very long. A street railway—the third in the United States—was put into operation as early as 1835 by the New Orleans and Carrollton Railway Company, which operated under a franchise granted by the city. Early service was by horse-drawn cars, limited by ordinance to a speed of four miles per hour. Horse and steam drawn cars were used until the 1890's, when electric street cars were introduced. They have continued in use since that time, but have now been superseded in large part by busses.<sup>2</sup>

Use of transit facilities has varied with the availability of other means of transportation. In 1920 more than 140 million passengers were transported by NOPSI. By 1930, however, the increased use of the automobile had cut the total number to 116 million in spite of a substantial population growth. Transit-use patterns reversed themselves during World War II

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<sup>1</sup> Constitution, Art. VI, Sec. 7.

<sup>2</sup> Hugh M. Blain, *A Near Century of Public Service in New Orleans* (NOPSI, 1927) p. 71.

because of the impact of the war on the use of automobiles. A peak number of passengers, 248 million, was carried in 1946.<sup>3</sup> Since that time the figure has declined steadily.

The first franchise to operate a gas plant was granted in 1829. Five years later New Orleans became the fourth city in the United States to have streets lighted by gas. The New Orleans Gas Light and Banking Company, later called The New Orleans Gas Light Company, held the franchise until 1875, when a fifty-year franchise was awarded to the Crescent City Lighting Company.

With the advent of electricity, heated competition developed for city contracts for street lighting and later for franchises to provide electric lighting to private establishments. At the outset contracts were awarded annually, but subsequently the grants were extended to five years.

Financial difficulties, as well as the propensity of public utilities to move in the direction of monopolistic practices, resulted in several mergers and reorganizations, so that by 1905 the three services were being supplied exclusively in most areas of the city by the New Orleans Railway and Light Company. In 1919, however, the company was placed in the hands of a receiver and was sold. As a result of this transaction, NOPSI was created in 1922 to supply transit, gas and electric services.<sup>4</sup>

The regulation of public utilities was as uncertain in the nineteenth century and first few years of the twentieth as the solvency of the companies themselves. Changes in city and state administrations often led to alterations in contracts and franchises. The constitution of 1921, however, brought about a stability in governmental regulation which has been interrupted only once since that time. On the basis of the permissive authority of the constitution, as well as a state statute empowering cities with over 100,000 population to issue franchises of indeterminate length, the commission council passed a series of ordinances in 1922 granting transit, gas and electric franchises to NOPSI for an indeterminate period of time. The ordinances contained provisions relative to property valuation for purposes of rate making, determination of a fair return on the company's investment, the initial rate structure, the power of the city to order changes in service, and the imposition of a gross receipts tax. The ordinance also provided that the city should have an option on purchasing the system and specified the method of determining property value for purchase.<sup>5</sup>

Since that time, except for a brief period during the administration of Huey Long when control was taken over by the state, utility regulation has been exclusively under the jurisdiction of the city council. Because of the highly technical character of such regulation, however, the charter establishes a Department of Utilities to assist the council. The department has jurisdiction over all utilities and is specifically empowered to:

- a) recommend terms to be incorporated in any franchise or privilege to be granted by the city;

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<sup>3</sup> Harland Bartholomew and Associates, *The Master Plan for New Orleans: Transit Facilities*, p. 3.

<sup>4</sup> Blain, *op. cit.*, pp. 67-70.

<sup>5</sup> Ordinances Nos. 6822, 7067, 7068, 7069, Commission Council Series, April 21-September 2, 1922.

- b) recommend rates and revisions thereof to be charged by any public utility subject to regulation by the city;
- c) supervise and investigate, within lawful limits, the public utilities operating in the city;
- d) recommend to the mayor that legal proceedings be instituted to secure compliance with any franchise granted by the council and with the provisions of law relating thereto; and
- e) make public reports and recommendations to the mayor, on any matter concerning the interests of the city with respect to the operations of public utilities.<sup>6</sup>

The charter also prohibits the granting of perpetual franchises and reserves to the city the right to purchase the property of any utility granted an indeterminate permit.

The actual power to grant franchises and fix rates and terms of service is placed in council hands, but all proposals must be processed through the Department of Utilities. The department, formerly known as the department of public utilities, has been in operation for over thirty years. Administratively, it is headed by a director appointed by the mayor with council approval. Operationally, its activities are divided among the director's office, a division of franchises and inspections, and a taxicab bureau. The responsibilities are by no means evenly divided, inasmuch as the director's office is not only a final policy-making point, but performs many of the details of administration.

The determination of rates and service raises numerous difficulties for NOPSI and the West Side Transit Company, which operates in Algiers, as well as for the city, particularly since costs are rising and the use of public transportation is diminishing. In order to meet its responsibilities, the Department of Utilities has made studies looking to rate and service changes. In the case of NOPSI's transit rates, the seven-cent fare, established in 1922, remained in effect until early 1960, when it was increased to ten cents. The continuation of the seven-cent rate, the lowest in the United States, was by mutual consent of both the city and the company, even though it meant an operating loss to the company. However, numerous changes in service have been recommended and adopted by the council. As might be expected, requests for reduction of service are usually at the instigation of the company. Service additions are generally proposed by taxpayers or by the Department of Utilities. Spot checks on the use of individual transit lines are made by the franchises and inspections division to aid the director in determining the desirability of adding, subtracting and rerouting lines.

The Department of Utilities regulates not only the transit operations of NOPSI but also its gas and electric distribution system. The latter is regulated under the ordinances of 1922. Responsibility for recommending changes in gas and electric rates and service belongs to the director of the Department of Utilities, with the final power to order changes resting with the council. For example, a recent study was made at the request of the Louisiana Power and Light Company for a change in the residential electric rate schedule in Algiers. In this particular case the department recom-

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<sup>6</sup> *Home Rule Charter*, Art. IV, Ch. 16.



mended denial, and the company withdrew its request. Gas and electric rates have approximately doubled since 1922. According to utility department officials, gas rates are below the national average and electric rates are about average.

Regulation of taxicabs is also a responsibility of the city. Here also policies are determined by ordinance, but on the recommendation of the Department of Utilities and its taxicab bureau. The bureau administers all regulations governing taxicabs and other for-hire vehicles. Its control is maintained through the issuance and revocation of certificates of public necessity and convenience and of drivers' permits. The bureau also inspects vehicles for safety and meters for accuracy. Annual fees are charged, amounting to \$1.00 for vehicle inspection, \$3.00 for drivers' permits and \$7.00 for cabs. The scope of the bureau's activities is indicated by the following quotation from the departmental report of 1954:

The taxicab bureau issued or reissued a total of 1760 CPCNs during 1954 . . . a very slight increase over the previous year. Of this number, 1651 were for taxicabs, and the remainder for sightseeing buses and livery cars. 2511 permits to drive taxicabs or other for hire vehicles were also issued or reissued . . . . Approximately 6500 mechanical inspections were made of vehicles under the control of the bureau.

Violations of the Taxicab Ordinance . . . were handled either by administrative action or in the case of more flagrant abuses, were turned over to the Municipal Courts for appropriate action. Administrative action resulted in: four revocations and nine suspensions of CPCNs, six revocations and fifty-two suspensions of drivers' permits, and forty-eight rejections of applications for drivers' permits. Seventy-eight drivers were put on probation.<sup>7</sup>

With several exceptions, the taxi and vehicle-for-hire businesses are encouraged to compete. Examples of these exceptions are the restriction by ordinance of the total number of taxis permitted on the streets and an exclusive franchise granted to the Yellow Cab Company at Moisant Airport.

A relatively minor area of transportation regulation handled by the Department of Utilities is the granting of franchises and the regulation of rates on Mississippi River ferries. Franchises have generally been granted for ten-year periods on the basis of competitive bids. As a result of the opening of the new Mississippi River bridge, ferry operators have experienced a sharp decline in business. Several ferries have been permitted to abandon service completely, and others continue to operate without franchises because of the absence of bids.

A final city responsibility in the regulatory field is the granting of street privileges for private use. Power to grant such privileges rests with the council, but, as in utility regulation, the Department of Utilities inspects, makes reports, and recommends courses of action.

#### OCCUPATIONAL LICENSING

##### New Orleans

Local governments in Louisiana have the authority to license many business activities and occupations.<sup>8</sup> The license is entirely for revenue purposes and serves only incidentally to regulate the activity in question. No discretion is involved so far as the licensing authority is concerned, so that anyone paying the fee must be granted a license.

<sup>7</sup> Department of Utilities, *Annual Report*, 1954, pp. 3-5.

<sup>8</sup> *L.R.S.*, Title 47, Sec. 397.

A partial list of occupations licensed by the city of New Orleans includes the following: private banking and investment banking businesses, dealers in stocks and bonds, insurance companies, pawnbrokers, retail dealers not having a fixed place of business, dealers in motor vehicles, dealers in pistols, rifles, cartridges, etc., slaughter houses, places of entertainment, undertakers, photographers, jewelers, employment agencies, operators of bowling alleys and billiard parlors, book and magazine shops, hotels and motels, peddlers, etc.

There are, however, a number of occupations which involve danger or require special skills, where it is desirable to require an examination before the license is granted. In New Orleans there are three licensing boards of this nature, all of which have been created by ordinance and attached to the division of regulatory inspection of the Department of Safety and Permits. They are the board of mechanical examiners, the board of electrical examiners, and the board of examiners of operating engineers.

The board of mechanical examiners is composed of the chief mechanical inspector and two master and two journeymen plumbers, appointed by the mayor with council approval. It examines all applicants for gasfitters' certificates. Licenses are required of every one engaged in the trade or business of contracting for the installation, maintenance or repair of water heater and gas pipe apparatus, equipment or appliances. Approximately seventy individuals are tested each year, with no effort made to control the number of admissions. There are few revocations, and seldom is a test held for renewal of a license.

The board of electrical examiners tests all applicants for an electrician's certificate, which is required for all persons engaged in the business of installing, repairing or maintaining electric wiring, fixtures, appliances and equipment. The six-member board is made up of the chief electrical inspector, an electrical engineer of the Louisiana Rating and Fire Prevention Bureau, the chief electrical instructor of the Delgado Trades School, a member of the Electrical Union, A.F.L.-C.I.O., an electrical contractor, and an electrical engineer. The last five are appointed by the mayor with council consent. Approximately fifty persons take the examination each year, of whom only about 20 per cent pass. Although the board can revoke licenses, the power has not been used.

The board of examiners of operating engineers is an eleven-member body, composed of the director of safety and permits, the chief mechanical inspector, five members at large, and one each from the National Association of Practical Refrigerating Engineers, the National Association of Power Engineers, Engineers Local Union No. 226, and Engineers Local Union No. 406. Its function is to examine all applicants seeking permits to operate steam boilers, steam engines, internal combustion engines, and refrigerating equipment, as well as air-conditioning and hoisting or other equipment involving pressure or speed. Tests are held twice monthly with an average of four hundred given annually. Approximately 80 per cent make passing grades.

Plumbers are licensed by the plumbing inspection department of the Sewerage and Water Board. Permits for plumbing, sewerage and cesspool installation are also issued by the same agency.

A final area in which a special license is required, which involves more than the perfunctory payment of a fee, is the manufacture, distribution and sale of intoxicating beverages. Primary responsibility for liquor control rests with the state, but local governments are permitted to require licenses in addition to those required by the state. Under the New Orleans ordinance, applicants must be persons of good character and reputation, over twenty-one years of age, and must not have been convicted of a felony or misdemeanor within five years or of a crime involving moral turpitude at any time. They must also have been citizens of the United States and of Louisiana for at least two years. Licenses, which are issued by the Department of Finance, may be revoked either by the city council or by the State Board of Tax Appeals after a hearing in which charges of violation of the terms of the license are examined.

#### Jefferson Parish

Because the Jefferson Parish building code parallels the code of the city of New Orleans, procedures for licensing electricians, plumbers, and mechanical device operators are very similar. The boards which handle these matters are all appointed by the parish council. The electrical board is closely associated with the electrical industry, and includes representation from the Louisiana Power and Light Company. The plumbing board includes the plumbing inspector and contractors in the industry, and the board of mechanical examiners is similarly constituted. There is no general control exercised by Jefferson Parish over other occupations, although occupational license taxes are required in a number of instances.

#### St. Bernard Parish

Like Jefferson Parish, St. Bernard collects an occupational license tax on a great many commercial enterprises, but it is neither in intent or form a regulatory measure. The only occupational license utilized for regulatory purposes is plumbing. A plumbing committee, made up of professional plumbers, tests prospective plumbers. A permanent license is granted to successful applicants, but an annual license fee is required. Plumbers licensed by New Orleans are certified by St. Bernard Parish without the requirement of a separate test. An electrical code has been proposed in the parish, but has not yet been adopted.

### BUSINESS PROMOTION

The promotion of private business enterprise is an area of activity which has received increasing attention from public agencies in recent years. City, county and state governments have committed increasingly large sums of public money to encourage commerce, as well as to promote new industries. Several agencies of the federal government have also played influential roles in assisting commerce locally and regionally. Within the New Orleans area there are at least five agencies which play a significant part in this activity. They include the city of New Orleans, the dock board, the state Department of Commerce and Industry, and the field offices of the United States Department of Commerce and the Small Business Administration.

## Local Efforts

Business promotion by the city of New Orleans has been both institutional, in the form of regular agency activity, and personal, in the form of individual efforts by the mayor. Since 1946, when Mayor Morrison was first elected, the emphasis has been on the latter, but not to the exclusion of the former.

As a port city, New Orleans is primarily interested in the promotion of international trade. Shortly after Mayor Morrison's election, he set up an international relations office at city hall. The office consisted of a director and a secretary, both of whom had previously been engaged in similar activity while in the employ of the privately sponsored International House. It was rather abruptly abolished, however, in 1948 as an economy measure,<sup>9</sup> and its functions transferred back to International House, where they have since remained.

At the time of the transfer of the office back to International House, Mayor Morrison stated that the functions performed by the unit would be carried on at no cost to the city. In practice, however, the city contributes to the office an amount sufficient to pay for the salary of a secretary. In addition, a portion of the travel expenses of the director of the office are paid by the city in cases where his business has been primarily on behalf of the city. In spite of his official disassociation from the city, the director has continued to work very closely with the mayor.

The city participates financially in several other types of promotional activity. It pays for keys to the city to be given to distinguished visitors, and shares with International House, the International Trade Mart and the dock board the cost of entertaining visiting foreign dignitaries. Other minor expenses, such as the printing and distribution of invitations to trade conferences, are sometimes borne by the city. A number of city officials also maintain memberships in International House at city expense.

Of more importance in promoting the city have been the personal efforts of the mayor. Any politically ambitious mayor is likely to participate in various promotional activities, if only to solidify his popularity in areas where little local controversy prevails. However, the activities of Mayor Morrison have far exceeded those of most of his contemporaries in other cities and of his predecessors in New Orleans. The mayor has stated that his purpose is to develop closer relations between the port of New Orleans and the Mississippi Valley, on the one hand, and Latin America, on the other. With assistance from the international relations office, he has appointed local representatives in almost all of the Latin American countries, many of whom have held key governmental posts.<sup>10</sup>

On numerous occasions the mayor himself has visited foreign countries.<sup>11</sup> He has made at least three extensive tours of Latin America. In return, Latin American officials have regularly participated in his inaugural

<sup>9</sup> *The Times-Picayune*, August 3, 1948. There were reports at the time that the office was abolished at the suggestion of the Department of State.

<sup>10</sup> *New Orleans States*, July 6, 1949.

<sup>11</sup> In instances where the trips have been primarily for "nonofficial" purposes, they have been paid for from sources other than city funds.



ceremonies. Although relations with Latin America have taken precedence over other parts of the world, the mayor has also made extended trips to Europe and the Middle East.<sup>12</sup>

In addition to promoting foreign trade, the mayor's office has also promoted domestic commerce and industrial development. Power companies in the metropolitan area have from time to time used the mayor's letterhead in trying to bring new industry to the area. The mayor has appeared before the Civil Aeronautics Board in an effort to extend air mail service. He has also appeared before congressional subcommittees on behalf of the tidewater ship channel, and before the Interstate Commerce Commission, in defense of the city's interests in connection with railroad service. On other occasions, he has participated in efforts to attract additional hotel accommodations to the city, and to revitalize the downtown business area, as well as in numerous similar activities.

### State Agencies

The most far-reaching efforts to promote business enterprise in the New Orleans area are performed by the trade development department of the dock board. This unit was organized to keep potential and actual shippers informed of the advantages of the port of New Orleans and to attract industry to the area. In performing this function, it has established field offices in Chicago, Cincinnati, New York, St. Louis and Washington to advertise the port in the regions surrounding these cities. In addition, a Latin American office is maintained in New Orleans to promote trade with Central and South America.

The dock board first formalized its promotional activities in 1930, when it established the position of executive general agent for the port. The office was changed in 1941 to the department of commerce and was given its present title in 1957. Its greatest expansion took place during and since World War II, when the various field offices were opened.

The present activities of the department include not only work which is strictly promotional, but also publicity, research and statistics. A partial enumeration includes publication of a port magazine, operation of a yacht for harbor area tours, preparation of news releases and of speeches for dock board executives, compiling information requested by outside sources, publication of literature explaining port facilities, and cooperation with other public and private organizations in promoting various civic affairs, etc.

A second state agency which promotes the development of the New Orleans area is the state Department of Commerce and Industry. The departmental office is in Baton Rouge, but there is a regional office in New Orleans, staffed by a director and an assistant. As stated in a recent report of the department, "The functions of the New Orleans office are a miniature of the parent office in Baton Rouge. The office considers its role threefold: to foster industrial development, commercial development and the tourist

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<sup>12</sup> Descriptions of these trips are to be found in New Orleans newspapers. In some instances, he has sent direct reports back to the newspapers for publication.

trade. Because of its limited scope, it has established a working relationship with civic and trade organizations in the city to form an effective concerted effort."<sup>13</sup>

Among its specific activities have been conducting investigations of applicants for exemption under the state's ten-year tax exemption plan, playing host to visiting businessmen interested in locating in the state, cooperating with the International Trade Mart in surveying Louisiana products to determine suitability for export, working with civic clubs on trade promotion, counselling foreign buyers interested in Louisiana products, and assisting the newspapers in obtaining data for the promotion of tourism.

### Federal Agencies

There are two agencies of the federal government with offices in New Orleans, which engage in the promotion of commerce and industry—the Department of Commerce and the Small Business Administration. From a local point of view, the more important of these is the field office of the Department of Commerce, which serves Louisiana and the southern half of Mississippi. Its primary function is to provide information of all kinds to local government officials and business interests. Publications of particular interest to certain industries are sent to them. The office maintains a business and foreign trade library for the benefit of anyone needing assistance. Advice is given to those requesting it regarding the interpretation and enforcement of Department of Commerce regulations. It prepares a weekly article for the local port bulletin covering events of local concern. The office also serves as the local depository for United States government documents.

Because of the importance of foreign trade, considerable attention is given to this phase of its work by the field office. In fact the office is the main source of statistics for the dock board on foreign trade. Cooperative relations are also maintained with the state Department of Commerce and Industry and the city of New Orleans.

A regional office of the Small Business Administration, which serves the state of Louisiana is also maintained in New Orleans. It assists small businesses in obtaining government contracts and surplus government property, provides technical assistance when requested, and makes loans in some cases. The agency also administers a disaster loan program.

### MARKET FACILITIES

Throughout most of its history the city of New Orleans has either owned or leased public market facilities. Early in the nineteenth century two city commissioners were assigned the task of supervising markets, and from that time until recent years the city was involved in the operation of an increasing number of markets.

A reversal in this trend began with the publication in 1946 of a study by the Bureau of Governmental Research, which recommended that, except for the French Market, the city should divest itself of all market holdings, since they represented annually an average net loss of approximately

<sup>13</sup> Louisiana State Department of Commerce and Industry, *Biennial Report*, 1952-54, p. 4.

\$20,000.<sup>14</sup> The reaction was immediate and almost entirely favorable. During 1948 twelve public markets were sold at auction, and two others were dismantled and the property used for street widening purposes. Still another, the Dryades Market, was abandoned as a market but used for a time by the state health department as a training center before being torn down. As a result, the only remaining market in New Orleans which is publicly owned is the historic French Market.<sup>15</sup>

The French Market dates back at least to 1784. The records show that on September 10, 1784:

In order to deal with subjects vital to the good of the Republic and while doing so, the establishment of a market in this city which is believed to be indispensable to gather the retailers whose number has been greatly augmented since some time ago was discussed and the City Council resolved to build one sufficiently larger to shelter and put in it all the daily goods . . . independent from the meat market which is already established for more than two years.<sup>16</sup>

Through various disasters and rebuildings the French Market has continued to survive, although allowed in the 1920's to fall into a state of serious disrepair.

The largest task in the rehabilitation of the French Market was the development of a farmers' market. The first impetus for construction of a modern farmers' market came from the publication of an illustrated booklet by the Public Belt Railroad Commission in 1924. Two years later a special committee of the Association of Commerce issued a report with a strong recommendation in favor of constructing such a market. The commission council in 1932 adopted an ordinance advertising for bids for the privilege of leasing, modernizing and operating the French Market, and erecting an adequate farmers' market and wholesale seafood shed to be operated in conjunction with it.<sup>17</sup>

Later in the same year a group of businessmen operating in the market area organized the French Market Corporation and bid successfully for the contract. On the basis of this agreement the city provided loan funds, totalling \$200,000. The levee board made \$200,000 available in exchange for a thirty-foot strip of market area it wanted for levee improvement purposes. In addition, the United States Public Works Administration provided \$200,000. The actual rehabilitation was carried out in 1937 and 1938.

In 1943 the city entered into a new agreement with the French Market Corporation, which provided for refinancing its outstanding indebtedness. At the same time an ordinance authorized the mayor to sublease the market, but allowed the corporation to retain control. The city was to pay \$20,000 a year for the sub-lease, which served in effect as a subsidy to cover the cost of debt service. In 1949 the city abandoned this arrangement, and the corporation was again made responsible for its own debt.<sup>18</sup>

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<sup>14</sup> *The Times-Picayune*, May 29, 1946.

<sup>15</sup> *Ibid.*, August 14, 1948.

<sup>16</sup> The French Market Corporation, *Glorified French Market* (1938), pp. 6-7.

<sup>17</sup> *Ibid.*, pp. 18-19.

<sup>18</sup> *Board and Commission Reports, op. cit.*, No. 63.

The continued unfavorable financial position of the French Market has led to periodic recommendations that the city either divest itself of ownership or lease it to a private corporation which might develop it into a modern market. In September, 1958 a report was submitted to the council by its budget analysis staff which described the market's operation as a financial failure. The report pointed out that since 1932 the city has invested over \$600,000 in the enterprise, but only \$154,000 of the bonded debt of \$400,000 had been paid off. The report also cited instances of unusually low rentals, empty stalls, and generally unsanitary conditions. As a result of this report, efforts are being made to alter the situation.<sup>19</sup>

Although the corporation which operates the market is not a public agency in any normal sense, its activities are partly under city control. One member of the council serves on the board of the corporation and plays an active role in its affairs. In addition, the city audits the books of the corporation, and most of its approximately fifteen employees are under the city civil service system. The city also provides a specially assigned policeman to patrol the area on a regular basis.

Services provided to market users, in addition to floor space, include electricity, water, refrigeration, and general maintenance and repair. The primary source of income is the rent derived from the farmers' market, the vegetable market, the meat market, the fish market, and the coffee stands.

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<sup>19</sup> *New Orleans States and New Orleans Item*, September 23, 1958.





## CHAPTER XII

### AN UNFINISHED STORY

The purpose of the present chapter is to summarize briefly the overall aspects of governmental administration in the metropolitan area and to state a few conclusions regarding the lines along which future research might well be directed.

#### SUMMARIES

##### Land Use and Development

There is no metropolitan planning or zoning in the New Orleans area. The city has had a planning and zoning commission since 1923, but no other unit of government followed suit until after 1950. Jefferson Parish and two of its municipalities now have such bodies, but there are no formalized means of cooperation between them and the city commission. There is no planning agency in the other two municipalities or in St. Bernard Parish.

The enforcement of zoning and building code requirements is vested in other agencies in both New Orleans and Jefferson Parish with appeals heard by special boards. A unique situation exists as respects the Vieux Carré in New Orleans, where a separate board has been set up to review all applications for building permits in the area and make recommendations to the city's division of regulatory inspection, which is the enforcement agency. In St. Bernard Parish building permits are issued by the parish engineer.

A public housing authority, which was set up in New Orleans more than twenty years ago, is among the most active in the United States in terms of ratio of dwelling units to the total population of the city. The city also owns an historic apartment building, which is managed by a separate agency. A housing authority has been created in Jefferson Parish, but it has never constructed any dwelling units. Urban renewal has been a highly controversial subject. Recent efforts to redevelop or rehabilitate slum areas in the city have been defeated, and present state legislation discourages future efforts. The city has instituted a successful program to prevent slums, but existing slums are outside its scope. No programs have been developed in either Jefferson or St. Bernard Parish.

##### Water Supply and Control

Water supply and sewerage disposal in New Orleans are functions of the Sewerage and Water Board, which was created by state law and is only in part subject to city control. Prior to 1958 there were five district and two municipal water systems in Jefferson Parish, plus one municipal and four district sewerage systems. The operations of the water districts have now been brought under the control of a parish waterworks department, and those of the sewerage districts, under a sanitation department. Because municipalities are excluded from sewerage districts, there are three cities in the parish which are without public sewerage facilities. In St. Bernard Parish there are two water and two sewerage districts.

The responsibility for protecting the New Orleans area from floods is shared by agencies at three levels of government—the United States Corps

of Engineers, the state Department of Public Works, and five levee districts—one in Orleans Parish and two each in Jefferson and St. Bernard. Three of the districts include territory which is outside the metropolitan area. In addition to the levees, there is a spillway above the city which was built and is operated by the Army Engineers.

Drainage in New Orleans is a function of the Sewerage and Water Board; in Jefferson Parish, of four districts now operating under the sanitation department; and in St. Bernard, of the two levee districts.

#### Public Health, Education and Welfare

Public health, education and welfare are the functions which have been most completely taken over by the state government. Public health legislation is supplemented by a state sanitary code and local city and parish ordinances, all of which are enforced by the New Orleans Department of Health in the city and parish boards of health in Jefferson and St. Bernard. The city department operates independently of the state board of health, but the parish departments are under the administrative control of the state board, which also furnishes various types of technical assistance. The school health program in New Orleans is under the direction of the Orleans Parish school board, but in Jefferson and St. Bernard parishes is administered by the parish health departments. The three welfare departments administer the medical payment plan for persons receiving public assistance grants. The state and federal departments of agriculture carry on joint programs involving the prevention and control of animal diseases and the inspection and grading of dairy products, poultry, fruits and vegetables. The United States Department of Health, Education and Welfare is responsible for the local administration of national quarantine and pure food and drug legislation. Finally, garbage and trash collection and disposal is a local function, performed in the city by a municipal department and in the unincorporated urban areas of Jefferson parish by local districts under the direction of a parish department of sanitation. In two of the cities of Jefferson Parish, collection and disposal are by the cities themselves; in the other two, they are done under contract by an adjacent district. In St. Bernard Parish there is one district, which includes all of the urbanized area.

Of the three public hospitals in the city, two are administered by agencies of the federal government and one, by an independent state board. There is only one hospital in the metropolitan area outside the city and it is administered by an independent parish board.

The public schools of the New Orleans area are administered by the three parish boards of education through superintendents selected by them. Major control over the three systems, however, rests with the state department of education, from which most of the funds are received. The vocational schools, on the other hand, are not administered by the parish boards. Two of them are under the direct control of the state board of education, and the third is under a city-appointed board, although financed entirely by state appropriations.

Public welfare, except for institutional care and juvenile probation, is entirely a state function, administered by parish directors of welfare responsible to the state Department of Public Welfare or by area offices of the state department. There are four public institutions, all of which are in New

Orleans. One accepts only the ill and infirm aged; another, dependent and neglected children; and a third has until recently been used as a detention home and training school for juvenile delinquents. The recent construction of a Youth Center, or detention home, by the city has resulted in the removal of juvenile delinquents from this institution and its use as a home for children deprived of parental support. Although the Youth Center is administered by the city, juvenile probation is under the supervision of the juvenile court for the parish.

A unique feature of local welfare administration in New Orleans is that the state's public assistance and the city's institutional care programs are administered by a single director, assisted, in the case of the former, by an advisory board and responsible, in the case of the latter, to the same board.

### Recreation and Culture

The public recreational and cultural facilities of the New Orleans metropolitan area are administered by agencies of various types. One of the city's major parks is under the control of a private corporation, which has been recognized as a state agency, and another is under an independent municipal board and a private corporation created by certain of its members. Another board is in charge of public grounds and their beautification, while two departments — recreation and property management — have jurisdiction over other land or water areas which are used for recreational purposes. Two other parks have been developed by a state agency, whose jurisdiction is limited to Orleans Parish, but are leased to private operators. Two more, located on historic sites, are under the control of another state agency, and a third, outside the city, is federally administered.

The organized recreational programs of the area are carried on by three departments — one, in the city, and one in each of the adjacent parishes. The parish departments control the only public parks outside the city except the one under federal control.

The only museums and auditoriums in the area, except those under the control of the school boards, are in the city. Of the three museums, one is under a state board, a second is under a city department, and the third is managed by a private board, although financed almost entirely from city funds.

In addition to the school libraries, there are three library systems in the area — one in each of the three major units of government. The city library is managed by an independent board, while one of the parish libraries is in the department of recreation, and the other is under a board responsible to the police jury.

### Public Safety

The police function is performed by local, state and federal agencies. The local agencies include the police departments of New Orleans and the four municipalities of Jefferson Parish and the sheriff's offices in Jefferson and St. Bernard. There is a criminal sheriff in Orleans Parish, but his only duties are to serve as an officer of the criminal court and to supervise the parish prison. The state agencies are the division of state police, the dock board, the levee board and the Mississippi River Bridge Authority, with federal agencies including the Federal Bureau of Investigation, the Bureau



of Narcotics, the Secret Service, and others. In each of the three parishes there is a district attorney and coroner, as well as a criminal district court, with juvenile courts in Orleans and Jefferson parishes.

The firefighting function is performed in New Orleans by the city's fire department, aided by a fire tug which is operated by the dock board. In Jefferson Parish, outside the incorporated places, there were, prior to 1958, four fire protection districts, all of which were under the control of the police jury. The 1958 reorganization brought all of their operations under a parish department of safety, but did not consolidate their operations. Two of the districts have paid companies and two use volunteer firemen. All the municipalities of Jefferson Parish have a few paid firemen, but principal reliance is placed on volunteers. The same situation exists in St. Bernard, where the police jury has created two fire districts, both of which, however, are under a single fire chief.

Although the three parishes in the New Orleans area have been authorized by state law to set up a single civil defense agency, there is in fact a separate agency in each parish, with cooperation on an informal basis. The three parishes, plus two others, constitute a "critical target area," for which evacuation plans have been prepared in the event that disaster occurs.

### Streets and Bridges

Although the construction and maintenance of streets and roads were formerly local functions in Louisiana, the state and federal governments have played increasingly important roles in recent years. State aid, which began in 1913, has steadily grown until it is today a major source of support for street programs in urban areas. Increased state aid has been accompanied by increased administrative controls.

In New Orleans street construction and maintenance are functions of one department, and street lighting, of another. In Jefferson Parish both functions were performed on a district basis until 1958, when the former was placed in a department of streets and bridges, and the latter, in a department of safety. The road and street lighting districts still remain, however, because of the existence of different district tax rates and bonded indebtedness. The four incorporated places in Jefferson Parish handle their street construction and maintenance work on a contract basis, with street lighting similarly provided. These functions are under the police jury in the urbanized portion of St. Bernard Parish, but in the rural areas all construction and maintenance work is done by the state.

Of the six major bridges in the New Orleans area, three are a part of the state highway system. The Huey P. Long Bridge is owned by the Public Belt Railroad, but the highway portion is maintained by the state. The new Mississippi River bridge and the Greater New Orleans Expressway were built and are operated by separate authorities created by the state.

### Terminal Facilities

Terminal facilities for railroad, steamship and air lines have been provided either by the city of New Orleans or by local agencies created by state law. They include the Public Belt Railroad, the Union Passenger Terminal, the dock board, and three airports.

The Public Belt Railroad is the only belt system in the United States which is owned and operated by a city government. It is administered by an independent board, and has been supported almost entirely by revenues

derived from services rendered to trunk line railroads. The Union Passenger Terminal, which is municipally owned, was constructed under authority of a constitutional amendment and is operated by a committee, a majority of whose members are appointed by the railroads which use the facility. The accompanying grade separation program was coordinated by a board which is publicly controlled.

The port facilities at New Orleans are administered by a state board, the members of which are appointed by the governor on nominations by various local commercial organizations. The board provides a multitude of services, which make the port one of the most modern in the United States. Operating expenses are met by charges imposed on users of the port, while capital improvements are financed principally from state sources. Mississippi River pilots are licensed by three state boards, the members of which are appointed by the governor from the membership of the respective pilot associations.

The three airports in the area are administered by agencies of different governments. Moisant Airport, which serves the commercial air lines and was built with federal, state and local funds, is administered by an independent municipal board. The New Orleans Airport, which is used by locally owned aircraft, is under the control of a state agency, while Alvin Callendar field is under the jurisdiction of the United States Navy.

#### Business Regulation and Promotion

Business regulation and promotion are the functions of various administrative agencies. The city council, with the aid of a Department of Utilities, regulates the companies which supply transportation, gas and electricity to the city. Regulation includes both rate-making and the granting of certificates of convenience and necessity. The city also regulates taxicabs and ferries, and licenses occupations in which special skills or safety requirements are necessary. These occupations include plumbers, electricians and operating engineers. Occupational licensing is also a function of the governing bodies of Jefferson and St. Bernard parishes, but only the city of New Orleans has the power to issue liquor licenses.

The promotion of business is a function performed by the city through the mayor's office, by two state agencies and by branch offices of two federal agencies. Except for certain terminal facilities discussed above, the only business enterprise owned by the city is the French Market. Operation of this facility, however, is in the hands of a private corporation.

#### CONCLUSIONS

The purpose of this study, as noted at the outset, was to survey the administration of the principal functions of government in the New Orleans metropolitan area. It was not intended that the survey should be exhaustive, nor that it would result in any recommendations for change. On the contrary, it was hoped only that the pattern of government in the metropolitan area could be clarified so that more exhaustive studies could then be undertaken without having to do certain basic research. Despite this limited objective, there are some conclusions which can be drawn, particularly as respects the areas in which future studies would seem to be most desirable.

The first conclusion is that the New Orleans metropolitan area is not governed by a tremendously large number of separate units, such as are to be found in many areas of comparable extent and population. There are several reasons for the relatively small number of governmental units. The first is the consolidation of Orleans Parish and the city of New Orleans under a single government. This consolidation, effected in 1870, made possible the future growth of the city within the parish without the creation of other units to supply the demand for additional services. The city is not yet entirely urbanized because a large part of its area is still undrained marsh land and another part has been effectively cut off by the Mississippi River, over which there was no bridge within the city until 1958. These barriers to growth within its territorial limits ultimately pushed the population into the adjacent parishes, thus creating problems which many other metropolitan areas had at an earlier date.

Another reason for the relatively small number of governmental units in the area is that there are very few incorporated places in the adjacent parishes—only four in one and none in the other. All the cities of Jefferson Parish, except Gretna, have until recent years been separated from New Orleans by rural areas, and Gretna is on the other side of the river from the main portion of the city. The remainder of Jefferson Parish and all of St. Bernard Parish have been almost entirely rural. As the portions of these parishes adjacent to New Orleans have become urbanized, with a resulting demand for additional services, the parish governments have met this demand by creating special districts. The result was the creation of a large number of such districts rather than of municipalities, particularly in Jefferson Parish.

A final reason for the relatively small number of governmental units in the New Orleans metropolitan area is the absence of school districts. Since the parish is the unit of local school administration, there are only three school systems.

The absence of a large number of units of government in the New Orleans area does not mean that the services supplied to residents of the different parishes are substantially the same in either quantity or quality. There are wide variations among the three parishes and, where the service is not supplied on a parish-wide basis, among districts of the same, or different, parishes. The recent abolition of the special districts in Jefferson Parish has not yet meant equalization of the services which each type of district performed. It has meant only the elimination of a number of independent boards and the concentration of administrative responsibility for the performance of their functions in the parish government. The special district taxes are still levied and collected, and district indebtedness must still be liquidated. It is likely to be many years before anything approaching uniformity can be achieved.

Furthermore, the absence of a large number of units of government does not mean that the area is relatively free of governmental problems. On the contrary, there are plenty of them. To the authors of this study, they seem to fall into about six principal groups, each related closely to the other. The first set of problems is in the field of state-city relations, with particular reference to New Orleans. As already noted, the home rule amendment of 1950 gives the city "the right and authority to adopt and enforce local



police, sanitary and similar regulations and to do and perform all of the acts pertaining to its local affairs, property and government, which are necessary or proper in the legitimate exercise of its corporate powers and municipal functions." On the other hand, it is denied authority over all constitutional, state, district and parochial officers and boards which have been previously created, and it cannot exercise any power which is "in conflict with any general law." The legislature can create additional boards and commissions "with full authority in the City . . . other than that of controlling the ordinary governmental functions of municipal government." The city is also forbidden to change the pension systems of the police and fire departments and the Sewerage and Water Board, and to decrease the salaries or increase the hours of work for members of the police and fire departments.

These limitations on the city's freedom of action are substantial, although it is not clear precisely how far they extend. The exact status of the Sewerage and Water Board and the City Park Improvement Association, for example, is in doubt. The section of the charter dealing with the city's Department of Health contains, as already noted, a number of references to "applicable state law," but it is not certain what this term actually means. In the past the city has been controlled by a hodge podge of special laws, general laws, and constitutional amendments. The result is that its powers under the home rule amendment cannot always be clearly determined. The field of city-state relations should be a fruitful one for further study.

Additional study should also be given to the independent agencies and commissions, of which there are so many, particularly in New Orleans. Since the home rule amendment did not give the city any authority over constitutional, state, or parochial officers and boards, they are not under the control of the mayor and council. There are a number of constitutional agencies, including the Board of Liquidation, City Debt, the Public Belt Railroad Commission, the Vieux Carré Commission, and others. In addition, there are also independent boards which were established by the city prior to 1952 and which the charter did not change. These include the New Orleans Aviation Board, Audubon Park Commission, the Public Library Board, and the Parkway and Park Commission. Another group of agencies which are not under the control of the mayor and council are the parish offices, which, as already noted, include the tax assessors, the district attorney, the coroner, and the civil and criminal sheriffs.

It is obvious that there is a large area of New Orleans government which is free, either wholly or in part, of administrative control from city hall. The parish officers are for the most part popularly elected, and the members of boards and commissions are named in various other ways. A study of these independent agencies would be desirable, particularly as respects the question of what effect their independence has on the city's government and to what degree they are subject to community control through the political process.

The governments of Jefferson and St. Bernard parishes are also administratively disintegrated, though in different degrees. The council-president form, adopted by the former in 1958, is an improvement over the police jury system, but it failed to set up a strong executive. The president



has no veto power, and no control over the important function of law enforcement. In St. Bernard parish there is no single executive head, and a number of functions are performed on a district basis.

A fourth area which needs to be studied is that of community leadership. Studies in this field should seek to discover the leadership structure within the city and whether it extends throughout the metropolitan area. They should also seek to show whether it is the same or different in the functional areas where independent offices or boards exist. These should be supplemented by studies of group politics and its techniques, as applied to both the regular agencies of city government and the independent boards.

A closely related field of potential study involves the relationship, particularly in certain parts of the health, welfare and recreation programs, between public and private responsibility. New Orleans is one of the few cities of the United States which has received a large number of donations and bequests for purposes other than memorials. The city has also led the country in the number and amount of its donations to private agencies. Although the gifts in both categories have not been as numerous or as large in recent years, many of the problems created in earlier years still persist. Miss Weber, in her study of certain charitable donations in New Orleans says that "probably in no other city of the United States does there exist such a confusion of public and private responsibility in meeting the special needs of the community."<sup>1</sup> A study of private interests in relationship to public responsibility and of official attitudes toward private agencies and functions should be both interesting and rewarding.

In the fifth place, there is a need for further study of inter-governmental relations within the metropolitan area. To what extent do comparable agencies within the different jurisdictions work with each other? If they cooperate on common problems, what is the basis for this cooperation? If they do not cooperate, what are the effects? To what extent are policies or programs in the adjacent parishes affected by influences which emanate from the city, and vice versa. These are only some of the questions to which further research might give at least tentative answers.

Finally, a big area which has been almost entirely omitted from consideration in the present survey is the field of public finance, debt structure and administration, and fiscal accountability. Here there are problems of strictly local concern, as well as of state-local relationships. They deserve special study, and, in view of their importance to the area, should be given high priority so far as future research is concerned.

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<sup>1</sup> Stella Weber, *A History of Certain Charitable Donations in New Orleans* (Unpublished M.S.W. Thesis, Tulane University, 1937), p. 147.

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